SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

106TH LEGISLATIVE DAY

THURSDAY, MAY 30, 2002

10:08 O'CLOCK A.M.

No. 106
[May 30, 2002]

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
At the hour of 10:09 o'clock a.m., the Chair announced that the Senate stand at recess until 1:00 o'clock p.m.

AFTER RECESS

At the hour of 1:59 o'clock p.m., the Senate resumed consideration of business.
Senator Watson, presiding.

Prayer by Senator J. Bradley Burzynski, Sycamore, Illinois.
Senator Brady led the Senate in the Pledge of Allegiance.

The Journal of Tuesday, May 28, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator W. Jones moved that reading and approval of the Journal of Wednesday, May 29, 2002 be postponed pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

A report on the Illinois' Individual Income Tax submitted by the Illinois Economic and Fiscal Commission.

The foregoing report was ordered received and placed on file in the Secretary's Office.

CONFERENCE COMMITTEE APPOINTED

Pursuant to action taken by the Senate on May 31, 2001, the President appointed the following Senators to be members of the First Conference Committee on **House Bill No. 2**: Senators Karpiel, Mahar, Rauschenberger, Shaw and Welch.
Ordered that the Secretary inform the House of Representatives thereof.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in H.A.'s 1 and 2 to Senate Bill 1657
Motion to Concur in House Amendment 1 to Senate Bill 1917

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1934
A bill for AN ACT in relation to civil procedure.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 1934

Passed the House, as amended, May 22, 2002.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1934
AMENDMENT NO. 1. Amend Senate Bill 1934 as follows:
on page 4, line 22, by changing "5" to "7".

Under the rules, the foregoing **Senate Bill No. 1934**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 314
A bill for AN ACT in relation to group insurance.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 314

Passed the House, as amended, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 314
AMENDMENT NO. 1. Amend Senate Bill 314 by replacing the title with the following:
"AN ACT in relation to public employee benefits."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Illinois Pension Code is amended by changing Sections 5-167.5, 6-164.2, 8-164.1, and 11-160.1 as follows:
(40 ILCS 5/5-167.5) (from Ch. 108 1/2, par. 5-167.5)
Sec. 5-167.5. Group health benefit.
(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.
(b) The city shall offer group health benefits to annuitants and

their eligible dependents through June 30, 2003 ~~2002~~. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, ~~the effective date of this amendatory Act of~~ 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, ~~the effective date of this amendatory Act of~~ 1997 through June 30, 2003 ~~2002~~, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.

(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.

(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.

(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.

(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).

(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003 ~~2002~~. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003 ~~2002~~, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).

(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.

(d) From January 1, 1993 until June 30, 2003 ~~2002~~, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following

amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 5-168; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003 ~~2002~~, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.

(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.

If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).

(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).

(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/6-164.2) (from Ch. 108 1/2, par. 6-164.2)

Sec. 6-164.2. Group health benefit.

(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not

eligible for Medicare benefits.

(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003 ~~2002~~. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, ~~the effective date of this amendatory Act of~~ 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, ~~the effective date of this amendatory Act of~~ 1997 through June 30, 2003 ~~2002~~, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.

(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.

(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.

(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.

(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).

(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003 ~~2002~~. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003 ~~2002~~, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).

(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.

(d) From January 1, 1993 until June 30, 2003 ~~2002~~, the board

shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 6-165; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003 2002, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.

(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.

If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).

(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).

(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/8-164.1) (from Ch. 108 1/2, par. 8-164.1)

Sec. 8-164.1. Group health benefit.

(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in

item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.

(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003 ~~2002~~. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, ~~the effective date of this amendatory Act of~~ 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, ~~the effective date of this amendatory Act of~~ 1997 through June 30, 2003 ~~2002~~, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.

(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.

(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.

(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.

(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).

(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003 ~~2002~~. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003 ~~2002~~, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).

(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of

financial arrangements with providers or plan administrators.

(d) From January 1, 1993 until June 30, 2003 ~~2002~~, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.

Commencing on August 23, ~~the effective date of this amendatory Act of~~ 1989, the board is authorized to pay to the board of education on behalf of each person who chooses to participate in the board of education's plan the amounts specified in this subsection (d) during the years indicated. For the period January 1, 1988 through August 23, ~~the effective date of this amendatory Act of~~ 1989, the board shall pay to the board of education annuitants who participate in the board of education's health benefits plan for annuitants the following amounts: $10 per month to each annuitant who is not qualified to receive medicare benefits, and $14 per month to each annuitant who is qualified to receive medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 8-189; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003 ~~2002~~, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.

(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.

If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).

(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in

subsection (g).

(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.

(Source: P.A. 90-32, eff. 6-27-97.)

(40 ILCS 5/11-160.1) (from Ch. 108 1/2, par. 11-160.1)

Sec. 11-160.1. Group health benefit.

(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.

(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003 ~~2002~~. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, ~~the effective date of this amendatory Act of~~ 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, ~~the effective date of this amendatory Act of~~ 1997 through June 30, 2003 ~~2002~~, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.

(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.

(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.

(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.

(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).

(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003 ~~2002~~.

Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003 ~~2002~~, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).

(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.

(d) From January 1, 1993 until June 30, 2003 ~~2002~~, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 11-178; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003 ~~2002~~, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.

(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.

If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).

(h) An annuitant may elect to terminate coverage in a plan at

the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).

(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.

(Source: P.A. 90-32, eff. 6-27-97.)

Section 90. The State Mandates Act is amended by adding Section 8.26 as follows:

(30 ILCS 805/8.26 new)

Sec. 8.26. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 92nd General Assembly.

Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 314**, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 698

A bill for AN ACT in relation to children.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 4 to SENATE BILL NO. 698

Passed the House, as amended, May 30, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 4 TO SENATE BILL 698

AMENDMENT NO. 4. Amend Senate Bill 698 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Internet Access For Minors At Public Libraries Act.

Section 5. Definitions. As used in this Act:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or material harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a publicly-supported library, other than a school, law, or academic library, that is connected to the Internet or an online service.

"Publicly-supported library" means a library that is created under the Illinois Local Library Act, the Illinois Library System Act, the Public Library District Act of 1991, the Chicago Public Library Act, the Village Library Act, the Library Incorporation Act, the Libraries in Parks Act, the Counties Code, the Township Code, or the Illinois Municipal Code.

"Minor patron" means a person under the age of 18 using a public access computer at a publicly-supported library.

Section 10. Policy concerning minor patrons. Within 6 months

after the effective date of this Act, each publicly-supported library shall adopt and implement a policy that seeks to prevent minor patrons from using a public access computer to access or obtain explicit sexual materials. In developing its policy, the publicly-supported library should consider (i) dedicating specific public access computers for use by minor patrons only and (ii) equipping those computers with software that seeks to prevent minors from gaining access to explicit sexual materials or obtaining Internet connectivity for those computers from an Internet service provider that provides filter services to limit access to explicit sexual materials. The publicly-supported library must maintain a copy of the policy. Within 6 months after the effective date of this Act, each publicly-supported library shall file a copy of the policy with the State Librarian. Upon the modification of its policy, a publicly-supported library shall file the modified policy with the State Librarian within 30 days after its adoption. Upon request, the publicly-supported library must make available a copy of the policy for inspection by members of the general public. The State Librarian shall prescribe a method for filing and indexing these policies and shall adopt any rules necessary to implement this Act.

Section 15. Noncompliance. Notwithstanding any other law to the contrary, a publicly-supported library that fails to comply with Section 10 of this Act is not eligible to apply for any State grant moneys made available under the Illinois Library System Act or any other Illinois law.

Section 20. Immunity. A publicly-supported library that complies with Section 10 of this Act is immune from any criminal liability arising from access by a minor to explicit sexual materials through the use of a public access computer owned or controlled by the publicly-supported library.".

Under the rules, the foregoing Senate Bill No. 698, with House Amendment No. 4, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1635
A bill for AN ACT concerning municipalities.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1635
House Amendment No. 2 to SENATE BILL NO. 1635

Passed the House, as amended, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1635

AMENDMENT NO. 1. Amend Senate Bill 1635 on page 1, line 5, after "3.1-20-20", by inserting the following:
"and by adding Section 3.1-55-25"; and
on page 4, immediately below line 17, by inserting the following:

"(65 ILCS 5/3.1-55-25 new)

Sec. 3.1-55-25. Automatic abandonment of a form of municipal government. Notwithstanding the provisions of Sections 4-10-1, 5-5-1,

5-5-1.1, 5-5-2, 5-5-3, 5-5-4, 5-5-5, and 5-5-6 and any other provisions of this Act, if a municipality adopts a different form of municipal government under Article 4, 5, or 6, then its current form of municipal government is automatically abandoned when the new form of municipal government takes effect.".

AMENDMENT NO. 2 TO SENATE BILL 1635

AMENDMENT NO. 2. Amend Senate Bill 1635 on page 1, line 24, by changing "20,000" to "15,000"; and

on page 1, line 29, after "in cities exceeding" by inserting the following:

"15,000 but not exceeding 20,000, 8 aldermen; exceeding".

Under the rules, the foregoing **Senate Bill No. 1635**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1689

A bill for AN ACT concerning the regulation of professions.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1689

Passed the House, as amended, May 30, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1689

AMENDMENT NO. 2. Amend Senate Bill 1689 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.13 and 4.17 as follows:

(5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

Sec. 4.13. Acts repealed on December 31, 2002. The following Acts are repealed on December 31, 2002:

~~The Environmental Health Practitioner Licensing Act.~~

The Naprapathic Practice Act.

The Wholesale Drug Distribution Licensing Act.

The Dietetic and Nutrition Services Practice Act.

The Funeral Directors and Embalmers Licensing Code.

The Professional Counselor and Clinical Professional Counselor Licensing Act.

(Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

(5 ILCS 80/4.17)

Sec. 4.17. Acts repealed on January 1, 2007. The following are repealed on January 1, 2007:

The Boiler and Pressure Vessel Repairer Regulation Act.

The Structural Pest Control Act.

Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC, XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois Insurance Code.

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

The Medical Practice Act of 1987.

The Environmental Health Practitioner Licensing Act.

(Source: P.A. 89-467, eff. 1-1-97; 89-484, eff. 6-21-96; 89-594, eff. 8-1-96; 89-702, eff. 7-1-97.)

Section 10. The Environmental Health Practitioner Licensing Act is amended by changing Sections 10, 15, 16, 18, 21, 25, 26, 35, and 50 and adding Sections 20.1, 22, 23, and 56 as follows:

(225 ILCS 37/10)

(Section scheduled to be repealed on December 31, 2002)

Sec. 10. Definitions. As used in this Act:

"Board" means the Environmental Health Practitioners Board as created in this Act.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Environmental health inspector" means an individual who, in support of and under the general supervision of a licensed environmental health practitioner or licensed professional engineer, practices environmental health and meets the educational qualifications of an environmental health inspector.

"Environmental health practice" is the practice of environmental health by licensed environmental health practitioners within the meaning of this Act and includes, but is not limited to, the following areas of professional activities: milk and food sanitation; protection and regulation of private water supplies; private waste water management; domestic solid waste disposal practices; institutional health and safety; and consultation and education in these fields.

"Environmental health practitioner in training" means a person licensed under this Act who meets the educational qualifications of a licensed environmental health practitioner and practices environmental health in support of and under the general supervision of a licensed environmental health practitioner or licensed professional engineer, but has not passed the licensed environmental health practitioner examination administered by the Department.

"License" means the authorization issued by the Department permitting the person named on the authorization to practice environmental health as defined in this Act.

"Licensed environmental health practitioner" is a person who, by virtue of education and experience in the physical, chemical, biological, and environmental health sciences, is especially trained to organize, implement, and manage environmental health programs, trained to carry out education and enforcement activities for the promotion and protection of the public health and environment, and is licensed as an environmental health practitioner under this Act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/15)

(Section scheduled to be repealed on December 31, 2002)

Sec. 15. License requirement.

(a) It shall be unlawful for any person to engage in an environmental health practice after the effective date of this amendatory Act of the 92nd General Assembly ~~December 31, 1996~~ unless the person is licensed by the Department as an environmental health practitioner or an environmental health practitioner in training or is an environmental health inspector as defined in this Act.

(b) It is the responsibility of an individual required to be licensed under this Act to obtain a license and to pay all necessary fees, not the responsibility of his or her employer.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/16)

(Section scheduled to be repealed on December 31, 2002)

Sec. 16. Exemptions. This Act does not prohibit or restrict any of the following:

(1) A person performing the functions and duties of an environmental health practitioner under the general ~~direct~~ supervision of a licensed environmental health practitioner or licensed professional engineer if that person (i) is not responsible for the administration or supervision of one or more employees engaged in an environmental health program, (ii) establishes a method of verbal communication with the licensed environmental health practitioner or licensed professional engineer to whom they can refer and report questions, problems, and emergency situations encountered in environmental health practice, and (iii) has his or her written reports reviewed monthly by a licensed environmental health practitioner or licensed professional engineer.

(2) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed.

(3) A person working in laboratories licensed by, registered with, or operated by the State of Illinois.

(4) A person employed by a State-licensed health care facility who engages in the practice of environmental health or whose job responsibilities include ensuring that the environment in the health care facility is healthy and safe for employees, patients, and visitors.

(5) A person employed with the Illinois Department of Agriculture who engages in meat and poultry inspections or environmental inspections under the authority of the Department of Agriculture.

(6) A person holding a degree of Doctor of Veterinary Medicine and Surgery and licensed under the Veterinary Medicine and Surgery Practice Act.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/18)

(Section scheduled to be repealed on December 31, 2002)

Sec. 18. Board of Environmental Health Practitioners. The Board of Environmental Health Practitioners is created and shall exercise its duties as provided in this Act. The Board shall consist of 5 ~~7~~ members appointed by the Director. Of the 5 ~~7~~ members, 3 ~~4~~ shall be environmental health practitioners, one a Public Health Administrator who meets the minimum qualifications for public health personnel employed by full time local health departments as prescribed by the Illinois Department of Public Health and is actively engaged in the administration of a local health department within this State, ~~one full-time professor teaching in the field of environmental health practice~~, and one member of the general public. In making the appointments to the Board, the Director shall consider the recommendations of related professional and trade associations including the Illinois Environmental Health Association and the Illinois Public Health Association and of the Director of Public Health. Each of the environmental health practitioners shall have at least 5 years of full time employment in the field of environmental health practice before the date of appointment. Each appointee filling the seat of an environmental health practitioner appointed to the Board must be licensed under this Act~~, however, in appointing the environmental health practitioner members of the first Board, the Director may appoint any environmental health practitioner who possesses the qualifications set forth in Section 20 of this Act. Of the initial appointments, 3 members shall be appointed for 3-year terms, 2 members for 2-year terms, and 2 members for one-year terms. Each succeeding member shall serve for a 3-year term~~.

The membership of the Board shall reasonably reflect representation from the various geographic areas of the State.

A vacancy in the membership of the Board shall not impair the

right of a quorum to exercise all the rights and perform all the duties of the Board.

The members of the Board are entitled to receive as compensation a reasonable sum as determined by the Director for each day actually engaged in the duties of the office and all legitimate and necessary expenses incurred in attending the meetings of the Board.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

The Director may remove any member of the Board for any cause that, in the opinion of the Director, reasonably justifies termination.

(Source: P.A. 91-724, eff. 6-2-00; 91-798, eff. 7-9-00.)

(225 ILCS 37/20.1 new)

(Section scheduled to be repealed on December 31, 2002)

Sec. 20.1. Qualifications for an environmental health inspector. An environmental health inspector must have an associate's degree or its equivalent, including a minimum of 9 credit hours of science.

(225 ILCS 37/21)

(Section scheduled to be repealed on December 31, 2002)

Sec. 21. Grandfather provision. ~~(a)~~ A person who, on the effective date of this amendatory Act of the 92 General Assembly ~~June 30, 1995~~, was certified by his or her employer as serving as a sanitarian or environmental health practitioner in environmental health practice in this State may be issued a license as an environmental health practitioner in training upon filing an application by July 1, 2003 ~~1999~~ and paying the required fees~~, and by passing the examination~~.

~~(b) The Department may, upon application and payment of the required fee within 12 months, issue a license to a person who holds a current license as a sanitarian or environmental health practitioner issued by the Illinois Environmental Health Association or National Environmental Health Association.~~

(Source: P.A. 89-61, eff. 6-30-95; 90-602, eff. 6-26-98.)

(225 ILCS 37/22 new)

(Section scheduled to be repealed on December 31, 2002)

Sec. 22. Environmental health practitioner in training.

(a) Any person who meets the educational qualifications specified in Section 20, but does not meet the experience requirement specified in that Section, may make application to the Department on a form prescribed by the Department for licensure as an environmental health practitioner in training. The Department shall license that person as an environmental health practitioner in training upon payment of the fee required by this Act.

(b) An environmental health practitioner in training shall apply for licensure as an environmental health practitioner within 3 years of his or her licensure as an environmental health practitioner in training. The license may be renewed or extended as defined by rule of the Department. The Board may extend the licensure of any environmental health practitioner in training who furnishes, in writing, sufficient cause for not applying for examination as an environmental health practitioner within the 3-year period.

(c) An environmental health practitioner in training may engage in the practice of environmental health for a period not to exceed 6 years provided that he or she is supervised by a licensed professional engineer or a licensed environmental health practitioner as prescribed in this Act.

(225 ILCS 37/23 new)

(Section scheduled to be repealed on December 31, 2002)

Sec. 23. Supervision.

(a) A licensed Environmental health practitioner in training or an environmental health inspector may perform the duties and functions of environmental health practice under the supervision of a licensed environmental health practitioner or licensed professional engineer.

(b) A licensed environmental health practitioner or a licensed professional engineer may serve as a supervisor to any licensed environmental health practitioner in training or environmental health inspector. The supervisor shall fulfill the minimum supervisor requirements, including but not limited to:

(1) being available for consultation on a daily basis;

(2) reviewing and advising on law enforcement proceedings; and

(3) evaluating the practice of environmental health performed by the licensed environmental health practitioner in training or the environmental health inspector.

(c) A licensed environmental health practitioner or licensed professional engineer is responsible for assuring that a licensed environmental health practitioner in training or environmental health inspector that he or she is supervising properly engages in the practice of environmental health.

(225 ILCS 37/25)

(Section scheduled to be repealed on December 31, 2002)

Sec. 25. Application for original license. Applications for original licenses shall be made to the Department on forms prescribed by the Department and accompanied by the required nonrefundable fee. All applications shall contain information that, in the judgment of the Department, will enable the Department to pass on the qualifications of the applicant for a license as an environmental health practitioner or environmental health practitioner in training.

If an applicant for a license as an environmental health practitioner neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing an application, the application is denied. However, the applicant may thereafter make a new application, accompanied by the required fee, if the applicant meets the requirements in force at the time of making the new application.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/26)

(Section scheduled to be repealed on December 31, 2002)

Sec. 26. Examination for registration as an environmental health practitioner.

(a) Beginning on the effective date of this amendatory Act of the 92nd General Assembly ~~June 30, 1995~~, only persons who meet the educational and experience requirements of Section 20 and who pass the examination authorized by the Department shall be licensed as environmental health practitioners. ~~Persons who meet the requirements of subsection (b) of Section 21 or Section 30 shall not be required to take and pass the examination.~~

(b) Applicants for examination as environmental health practitioners shall be required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination.

(Source: P.A. 89-61, eff. 6-30-95; 89-706, eff. 1-31-97; 90-14, eff. 7-1-97.)

(225 ILCS 37/35)

(Section scheduled to be repealed on December 31, 2002)

Sec. 35. Grounds for discipline.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand, or take other disciplinary

action with regard to any license issued under this Act as the Department may consider proper, including the imposition of fines not to exceed $5,000 for each violation, for any one or combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act or its rules.

(3) Conviction of any felony under the laws of any U.S. jurisdiction, any misdemeanor an essential element of which is dishonesty, or any crime that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining a certificate of registration.

(5) Professional incompetence.

(6) Aiding or assisting another person in violating any provision of this Act or its rules.

(7) Failing to provide information within 60 days in response to a written request made by the Department.

(8) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public as defined by rules of the Department.

(9) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in an environmental health practitioner's inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for a discipline is the same or substantially equivalent to those set forth in this Act.

(11) A finding by the Department that the registrant, after having his or her license placed on probationary status, has violated the terms of probation.

(12) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with State agencies or departments.

(13) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skills that result in the inability to practice the profession with reasonable judgment, skill, or safety.

(14) Failure to comply with rules promulgated by the Illinois Department of Public Health or other State agencies related to the practice of environmental health.

(15) The Department shall deny any application for a license or renewal of a license under this Act, without hearing, to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission; however, the Department may issue a license or renewal of a license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission.

(16) Solicitation of professional services by using false or misleading advertising.

(17) A finding that the license has been applied for or obtained by fraudulent means.

(18) Practicing or attempting to practice under a name other than the full name as shown on the license or any other legally authorized name.

(19) Gross overcharging for professional services including filing statements for collection of fees or moneys for which services are not rendered.

(b) The Department may refuse to issue or may suspend the license of any person who fails to (i) file a return, (ii) pay the

tax, penalty, or interest shown in a filed return; or (iii) pay any final assessment of the tax, penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue until the requirements of the tax Act are satisfied.

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission to a mental health facility as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension may end only upon a finding by a court that the licensee is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume practice.

(d) In enforcing this Section, the Department, upon a showing of a possible violation, may compel any person licensed to practice under this Act or who has applied for licensure or certification pursuant to this Act to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Department. The Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Department finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Department finds an individual unable to practice because of the reasons set forth in this Section, the Department may require that individual to submit to care, counseling, or treatment by physicians approved or designated by the Department, as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice or, in lieu of care, counseling, or treatment, the Department may file a complaint to immediately suspend, revoke, or otherwise discipline the license of the individual.

Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Department.

In instances in which the Director immediately suspends a person's license under this Section, a hearing on that person's license must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department shall have the authority to review the subject person's record of treatment and counseling regarding the impairment, to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

A person licensed under this Act and affected under this Section shall be afforded an opportunity to demonstrate to the Department that he or she can resume practice in compliance with acceptable and prevailing standards under the provisions of his or her license.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/50)

(Section scheduled to be repealed on December 31, 2002)

Sec. 50. Use of title. Only a person who has qualified as a licensed environmental health practitioner and who is currently licensed by the State has the right and privilege of using the title "Environmental Health Practitioner", "Licensed Environmental Health Practitioner", or the initials "L.E.H.P." after his or her name. Only a person who has qualified as a licensed environmental health practitioner in training and who is currently licensed by the State has the right and privilege of using the title "environmental health practitioner in training", "licensed environmental health practitioner in training", or "L.E.H.P. in training" after his or her name.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 37/56 new)

(Section scheduled to be repealed December 31, 2002)

Sec. 56. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds himself or herself out to practice environmental health without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1689**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1701

A bill for AN ACT concerning naprapaths.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1701
House Amendment No. 3 to SENATE BILL NO. 1701
House Amendment No. 6 to SENATE BILL NO. 1701

Passed the House, as amended, May 30, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1701

AMENDMENT NO. 1. Amend Senate Bill 1701 by replacing the title with the following:

"AN ACT in relation to professional regulation."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 is amended by changing Sections 3-2 and 4-2 as follows:

(225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

(Section scheduled to be repealed on January 1, 2006)

Sec. 3-2. Licensure; qualifications.

(1) A person is qualified to receive a license as a cosmetologist who has filed an application on forms provided by the Department, pays the required fees, and:

a. Is at least l6 years of age; and

b. Has graduated from an eighth grade elementary school, or its equivalent; and

c. Has graduated from a school of cosmetology approved by the Department, having completed a program ~~total~~ of l500 hours in the study of cosmetology extending over a period of not less than 8 months nor more than 7 consecutive years. A school of cosmetology may, at its discretion, consistent with the rules of the Department, accept up to 500 hours of barber school training at a recognized barber school toward the l500 hour program requirement of cosmetology. Time spent in such study under the laws of another state or territory of the United States or of a foreign country or province shall be credited toward the period of study required by the provisions of this paragraph; and

d. Has passed an examination authorized by the Department to determine fitness to receive a license as a cosmetologist. The requirements for remedial training set forth in Section 3-6 of this Act may be waived in whole or in part by the Department upon proof to the Department that the applicant has demonstrated competence to again sit for the examination. The Department shall promulgate rules establishing the standards by which such determination shall be made; and

e. Has met any other requirements of this Act.

(2) If the applicant applies for a license as a cosmetologist on September 1, 2000 or September 2, 2000, the Department may accept a verified 10 years of cosmetology experience, which may include esthetics or nail technology experience, before July 1, 2000 in lieu of the requirements in items c and d of subsection (1) of this Section.

(Source: P.A. 91-863, eff. 7-1-00.)

(225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

(Section scheduled to be repealed on January 1, 2006)

Sec. 4-2. The Barber, Cosmetology, Esthetics, and Nail Technology Committee. There is established within the Department the Barber, Cosmetology, Esthetics, and Nail Technology Committee, composed of 11 persons designated from time to time by the Director to advise the Director in all matters related to the practice of barbering, cosmetology, esthetics, and nail technology.

The 11 members of the Committee shall be appointed as follows: 6 licensed cosmetologists, all of whom hold a current license as a cosmetologist or cosmetology teacher and, for appointments made after the effective date of this amendatory Act of 1996, at least 2 of whom shall be an owner of or a major stockholder in a school of cosmetology, one of whom shall be a representative of a franchiser with 5 or more locations within the State, one of whom shall be a representative of an owner operating salons in 5 or more locations within the State, one of whom shall be an independent salon owner, and no one of the cosmetologist members shall be a manufacturer, jobber, or stockholder in a factory of cosmetology articles or an immediate family member of any of the above; 2 of whom shall be barbers holding a current license; one member who shall be a licensed

esthetician or esthetics teacher; one member who shall be a licensed nail technician or nail technology teacher; and one public member who holds no licenses issued by the Department. The Director shall give due consideration for membership to recommendations by members of the professions and by their professional organizations. Members shall serve 4 year terms and until their successors are appointed and qualified. No member shall be reappointed to the Committee for more than 2 terms. Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term. Members of the Committee in office on the effective date of this amendatory Act of 1996 shall continue to serve for the duration of the terms to which they have been appointed, but beginning on that effective date all appointments of licensed cosmetologists and barbers to serve as members of the Committee shall be made in a manner that will effect at the earliest possible date the changes made by this amendatory Act of 1996 in the representative composition of the Committee.

A majority of Committee members then appointed constitutes a quorum. A majority of the quorum is required for a Committee decision.

Whenever the Director is satisfied that substantial justice has not been done in an examination, the Director may order a reexamination by the same or other examiners.

(Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97; 90-580, eff. 5-21-98.)

Section 99. Effective date. This Act takes effect upon becoming law.".

AMENDMENT NO. 3 TO SENATE BILL 1701

AMENDMENT NO. 3. Amend Senate Bill 1701, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Elevator Safety and Regulation Act.

Section 5. Purpose. The purpose of this Act is to provide for the public safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this State. Elevator personnel performing work covered by this Act shall, by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Act. This Act shall establish the minimum standards for elevator personnel.

This Act is not intended to interfere with the home rule powers of a municipality with a population over 500,000, including the power to license and regulate any profession or occupation.

The provisions of this Act are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the Act, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1, ASME A18.1, or ASCE 21.

Section 10. Applicability.

(a) This Act covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the

following equipment, its associated parts, and its hoistways (except as modified by subsection (c) of this Section):

(1) Hoisting and lowering mechanisms equipped with a car or platform, which move between 2 or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1, ASME A17.3, ASME A18.1, and ANSI A10.4):

(A) Elevators.

(B) Platform lifts and stairway chair lifts.

(2) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Escalators.

(B) Moving walks.

(3) Hoisting and lowering mechanisms equipped with a car, which serves 2 or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1 and ASME A17.3):

(A) Dumbwaiters.

(B) Material lifts and dumbwaiters with automatic transfer devices.

(b) This Act covers the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes, but is not limited to, automated people movers (also see ASCE 21).

(c) This Act does not apply to the following equipment:

(1) Material hoists.

(2) Belt manlifts.

(3) Mobile scaffolds, towers, and platforms, except those covered by ANSI A10.4.

(4) Powered platforms and equipment for exterior and interior maintenance.

(5) Conveyors and related equipment.

(6) Cranes, derricks, hoists, hooks, jacks, and slings.

(7) Industrial trucks.

(8) Portable equipment, except for portable escalators.

(9) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story.

(10) Equipment for feeding or positioning materials at machine tools, printing presses, etc.

(11) Skip or furnace hoists.

(12) Wharf ramps.

(13) Railroad car lifts or dumpers.

(14) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this State.

(15) Railway and Transit Systems.

Section 15. Definitions. For the purpose of this Act:

"Administrator" means the Office of the State Fire Marshal.

"ANSI A10.4" means the safety requirements for personnel hoists, an American National Standard.

"ASCE 21" means the American Society of Civil Engineers Automated People Mover Standards.

"ASME A17.1" means the Safety Code for Elevators and Escalators, an American National Standard.

"ASME A17.3" means the Safety Code for Existing Elevators and Escalators, an American National Standard.

"ASME A18.1" means the Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.

"Automated people mover" means an installation as defined as an "automated people mover" in ASCE 21.

"Board" means the Elevator Safety Review Board.

"Certificate of operation" means a certificate issued by the Administrator that indicates that the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in this Act. The Administrator may issue a temporary certificate of operation that permits the temporary use of a non-compliant conveyance by the general public for a limited time of 30 days while minor repairs are being completed.

"Conveyance" means any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts stairway chairlifts and automated people movers.

"Elevator" means an installation defined as an "elevator" in ASME A17.1.

"Elevator contractor" means any person, firm, or corporation who possesses an elevator contractors license in accordance with the provisions of Sections 40 and 55 of this Act and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator contractor's license" means a license issued to an elevator contractor who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyance covered by this Act. The Administrator may issue a limited elevator contractor's license authorizing a firm or company that employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts and stairway chairlifts within any building or structure, including but not limited to private residences.

"Elevator inspector" means any person who possesses an elevator inspector's license in accordance with the provisions of this Act or any person who performs the duties and functions of an elevator inspector for any unit of local government with a population greater than 500,000 prior to or on the effective date of this Act.

"Elevator mechanic" means any person who possesses an elevator mechanic's license in accordance with the provisions of Sections 40 and 45 of this Act and who is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyance covered by this Act.

"Elevator mechanic's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain, and perform electrical work on elevators or related conveyance covered by this Act.

"Escalator" means an installation defined as an "escalator" in ASME A17.1.

"Existing installation" means an installation defined as an "installation, existing" in ASME A17.1.

"Inspector's license" means a license issued to a person who has proven his or her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this Act.

"License" means a written license, duly issued by the

Administrator, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, servicing, repairing, maintaining, or performing inspections of elevators or related conveyance covered by this Act.

"Material alteration" means an "alteration" as defined by the Board.

"Moving walk" means an installation as defined a "moving walk" in ASME A17.1.

"Private residence" means a separate dwelling or a separate apartment in a multiple dwelling that is occupied by members of a single-family unit.

"Repair" has the meaning defined by the Board, which does not require a permit.

"Temporarily dormant" means an elevator, dumbwaiter, or escalator:

(1) with a power supply that has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the "off" position;

(2) with a car that is parked and hoistway doors that are in the closed and latched position;

(3) with a wire seal on the mainline disconnect switch installed by a licensed elevator inspector;

(4) that shall not be used again until it has been put in safe running order and is in condition for use;

(5) requiring annual inspections for the duration of the temporarily dormant status by a licensed elevator inspector;

(6) that has a "temporarily dormant" status that is renewable on an annual basis, not to exceed a one-year period;

(7) requiring the inspector to file a report with the chief elevator inspector describing the current conditions; and

(8) with a wire seal and padlock that shall not be removed for any purpose without permission from the elevator inspector.

Section 20. License required.

(a) After July 1, 2003, no person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within buildings or structures in the jurisdiction of this State unless he or she possesses an elevator mechanic's license under this Act and unless he or she works under the direct supervision of a person, firm, or company having an elevator contractor's license in accordance with Section 40 of this Act or exempted by that Section. However, a licensed elevator contractor is not required for:

(1) removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and welfare of a person; and

(2) the conveyance is to be installed in the hoistway that was demolished to the basic support structure.

(b) After July 1, 2003, no person shall inspect any conveyance within buildings or structures, including, but not limited, to private residences, unless he or she has an inspector's license.

Section 25. Elevator Safety Review Board.

(a) There is hereby created within the Office of the State Fire Marshal the Elevator Safety Review Board, consisting of 11 members. The Administrator shall appoint 3 members who shall be representatives of a fire service communities. The Governor shall appoint the remaining 8 members of the Board as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator

servicing company; one representative of the architectural design profession; one representative of the general public; one representative of a municipality in this State with a population over 500,000; one representative of a municipality in this State with a population under 500,000; one representative of a building owner or manager; and one representative of labor involved in the installation, maintenance, and repair of elevators.

(b) The members constituting the Board shall be appointed for initial terms as follows:

(1) Of the members appointed by the Administrator, 2 shall serve for a term of 2 years, and one for a term of 4 years.

(2) Of the members appointed by the Governor, 2 shall serve for a term of one year, 2 for terms of 2 years, 2 for terms of 3 years, and 2 for terms of 4 years.

At the expiration of their initial terms of office, the members or their successors shall be appointed for terms of 4 years each. Upon the expiration of a member's term of office, the officer who appointed that member shall reappoint that member or appoint a successor who is a representative of the same interests with which his or her predecessor was identified. The Administrator and the Governor may at any time remove any of their respective appointees for inefficiency or neglect of duty in office. Upon the death or incapacity of a member, the officer who appointed that member shall fill the vacancy for the remainder of the vacated term by appointing a member who is a representative of the same interests with which his or her predecessor was identified. The members shall serve without salary, but shall receive from the State expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as chairperson. The chairperson shall be the deciding vote in the event of a tie vote.

Section 30. Meeting of the Board. The Board shall meet and organize within 10 days after the appointment of its members and at such meeting shall elect one secretary of the Board to serve during the term to be fixed by the rules adopted by the Board. The Board shall meet regularly once each quarter or as often as deemed necessary by the Administrator at a time and place to be fixed by it and at such times as it is deemed necessary for the consideration of code regulations, appeals, variances, and for the transaction of any other business as properly may come before it. Special meetings shall be called as provided in Board rules.

Section 35. Powers and duties of the Board.

(a) The Board shall consult with engineering authorities and organizations and adopt rules consistent with the provisions of this Act for the administration and enforcement of this Act. The Board may prescribe forms to be issued in connection with the administration and enforcement of this Act. The rules shall establish standards and criteria consistent with this Act for licensing of elevator mechanics, inspectors, and installers of elevators, including the provisions of the Safety Code for Elevators and Escalators (ASME A17.1), the Safety Code for Existing Elevators (ASME A18.1), the Standard for the Qualification of Elevator Inspectors (ASME QEI-1), the Automated People Mover Standards (ASCE 21), and the safety requirements for personnel hoists (ANSI A10.4).

(b) The Board shall have the authority to grant exceptions and variances from the literal requirements of applicable codes, standards, regulations, and local legislation in cases where such variances would not jeopardize the public safety and welfare. The Board shall have the authority to hear appeals, hold hearings, and decide upon such within 30 days of the appeal.

(c) The Board shall establish fee schedules for licenses,

permits, certificates, and inspections. The fees shall be set at an amount necessary to cover the actual costs and expenses to operate the Board and to conduct the duties as described in this Act.

(d) The Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

(e) The Administrator may solicit the advice and expert knowledge of the Board on any matter relating to the administration and enforcement of this Act.

(f) The Administrator may employ professional, technical, investigative, or clerical help, on either a full-time or part-time basis, as may be necessary for the enforcement of this Act.

(g) The Board shall not have authority within municipalities with a population over 500,000 that have a municipal code that covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of elevators, dumbwaiters, escalators, and moving walks.

Section 40. Application for contractor's license.

(a) Any person, firm, or company wishing to engage in the business of installing, altering, repairing, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving walks within this State shall make application for a license with the Administrator.

(b) All applications shall contain the following information:

(1) if the applicant is a person, the name, residence, and business address of the applicant;

(2) if the applicant is a partnership, the name, residence, and business address of each partner;

(3) if the applicant is a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of the corporation;

(4) if the applicant is a corporation other than a domestic corporation, the name and address of an agent locally located who shall be authorized to accept service of process and official notices;

(5) the number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing elevators or platform lifts or both;

(6) if applying for an elevator contractor's license, the approximate number of persons, if any, to be employed by the elevator contractor applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

(7) satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;

(8) any criminal record of convictions; and

(9) any other information as the Administrator may require.

(c) This Section does not apply to a person, firm, or company located in a municipality with a population over 500,000 that provides for the licensure of contractors.

Section 45. Qualifications for elevator mechanic's license.

(a) No license shall be granted to any person who has not paid the required application fee.

(b) No license shall be granted to any person who has not proven his or her qualifications and abilities. Applicants for an elevator mechanic's license must demonstrate one of the following qualifications:

(1) an acceptable combination of documented experience and education credits consisting of: (A) not less than 3 years work experience in the elevator industry, in construction,

maintenance, and service or repair, as verified by current and previous employers licensed to do business in this State; and (B) satisfactory completion of a written examination administered by the Elevator Safety Review Board on the adopted rules, referenced codes, and standards;

(2) acceptable proof that he or she has worked as an elevator constructor, maintenance, or repair person; acceptable proof shall consist of documentation that he or she worked without direct and immediate supervision for an elevator contractor who has worked on elevators in this State for a period of not less than 3 years immediately prior to the effective date of this Act; the person must make application within one year of the effective date of this Act;

(3) a certificate of successful completion of the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent;

(4) a certificate of completion of an elevator mechanic apprenticeship program with standards substantially equal to those of this Act and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor, or a State apprenticeship council; or

(5) a valid license from a state having standards substantially equal to those of this State.

Section 50. Qualifications for elevator inspector's license.

(a) No inspector's license shall be granted to any person who has not paid the required application fee.

(b) No inspector's license shall be granted to any person, unless he or she proves to the satisfaction of the Administrator that he or she meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, the Administrator shall grant an elevator inspector's license to a person engaged in the practice of inspecting elevators in a municipality with a population over 500,000 who is engaged in business as an elevator inspector on the effective date of this Act.

Section 55. Qualifications for elevator contractor's license.

(a) No license shall be granted to any person or firm unless the appropriate application fee is paid.

(b) No license shall be granted to any person or firm who has not proven the required qualifications and abilities. An applicant must demonstrate one of the following qualifications:

(1) five years work experience in the elevator industry in construction, maintenance, and service or repair, as verified by current and previous elevator contractor's licenses to do business, or satisfactory completion of a written examination administered by the Elevator Safety Review Board on the most recent referenced codes and standards; or

(2) proof that the individual or firm holds a valid license from a state having standards substantially equal to those of this State.

(c) This Section does not apply to a person or firm engaged in business as an elevator contractor in a municipality with a population over 500,000 that provides for the licensure of elevator contractors.

Section 60. Issuance and renewal of licenses; fees.

(a) Upon approval of an application, the Administrator may issue a license that must be renewed biannually. The renewal fee for the license shall be set by the Board.

(b) Whenever an emergency exists in the State due to disaster or

work stoppage and the number of persons in the State holding licenses granted by the Board is insufficient to cope with the emergency, the licensed elevator contractor shall respond as necessary to assure the safety of the public. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an emergency elevator mechanic's license from the Administrator within 5 business days after commencing work requiring a license. The administrator shall issue emergency elevator mechanic's licenses. The applicant shall furnish proof of competency as the administrator may require. Each license shall recite that it is valid for a period of 30 days from the date thereof and for such particular elevators or geographical areas as the administrator may designate and otherwise shall entitle the licensee to the rights and privileges of a elevator mechanic's license issued under this Act. The administrator shall renew an emergency elevator mechanic's license during the existence of an emergency. No fee shall be charged for any emergency elevator mechanic's license or renewal thereof.

(c) A licensed elevator contractor shall notify the administrator when there are no licensed personnel available to perform elevator work. The licensed elevator contractor may request that the administrator issue temporary elevator mechanic's licenses to persons certified by the licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by a licensed elevator contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a temporary elevator mechanic's license from the administrator and shall pay such fee as the Board shall determine. Each license shall recite that it is valid for a period of 30 days from the date of issuance and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue.

(d) The renewal of all licenses granted under the provisions of this Section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the rules of the Elevator Safety Review Board. Such course shall consist of not less than 8 hours of instruction that shall be attended and completed within one year immediately preceding any such license renewal.

(e) The courses referred to in subsection (d) of this Section shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars and labor training programs. The Elevator Safety Review Board shall approve the continuing education providers. All instructors shall be approved by the Board and shall be exempt from the requirements of subsection (d) of this Section with regard to their applications for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(f) A licensee who is unable to complete the continuing education course required under this Section prior to the expiration of his or her license due to a temporary disability may apply for a waiver from the Board. This shall be on a form provided by the Board, which shall be signed under the penalty of perjury and accompanied by a certified statement from a competent physician attesting to such temporary disability. Upon the termination of such temporary disability, the

licensee shall submit to the Board a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability, at which time a waiver sticker, valid for 90 days, shall be issued to the licensee and affixed to his or her license.

(g) Approved training providers shall keep for a period of 10 years uniform records of attendance of licensees following a format approved by the Board. These records shall be available for inspection by the Board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion, provided that falsifying or knowingly allowing another to falsify attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this Section.

Section 65. Penalties; suspension and revocation of licenses. A license issued pursuant to this Act may be suspended, revoked, or subjected to a penalty by the administrator upon verification that any one or more of the following reasons exist:

(1) any false statement as to material matter in the application;

(2) fraud, misrepresentation, or bribery in securing a license;

(3) failure to notify the administrator and the owner or lessee of an elevator or related mechanisms of any condition not in compliance with this Act; or

(4) violation of any provisions of this Act or the rules promulgated hereunder.

Section 67. Fire Prevention Fund. All fees and fines received by the Administrator under this Act shall be deposited into the Fire Prevention Fund.

Section 70. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of that Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, or continuation or renewal of the license, is specifically excluded. For the purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

Section 75. Administrative Review Law. All final administrative decisions of the Administrator or the Board are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of this State, the venue shall be in Sangamon County.

Section 80. Registration of existing elevators, platform lifts, dumbwaiters, escalators, moving walks, and any other conveyance. Within 6 months after the date of the appointment of the Board, the owner or lessee of every existing conveyance shall register with the Administrator each elevator, dumbwaiter, platform lift, escalator, or other device described in Section 10 of this Act and provide the type, rated load and speed, name of manufacturer, its location, the purpose for which it is used, and such additional information as the Administrator may require. Elevators, dumbwaiters, platform lifts, escalators, moving walks, or other conveyances of which construction

has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

Section 85. Compliance with State fire prevention and building code laws. It shall be the responsibility of individuals, firms, or companies licensed as described in this Act to ensure that installation or service and maintenance of elevators and devices described in Section 10 of this Act is performed in compliance with the provisions contained in applicable State fire prevention and building code laws.

Section 90. Permits.

(a) No conveyance covered by this Act shall be erected, constructed, installed, or altered within buildings or structures within this State unless a permit has been obtained from the Administrator or a municipality or other unit of local government. If the permit is obtained from a municipality or other unit of local government, the municipality or other unit of local government that issued the permit shall keep the permit on file for a period of not less than one year from the date of issuance and send a copy to the Administrator for inspection. Where any material alteration is made, the device shall conform to applicable requirements in ASME A17.1, ASME A18.1, ASCE 21, or ANSI A10.4. No permit required under this Section shall be issued except to a person, firm, or corporation holding a current elevator contractor's license, duly issued pursuant to this Act. A copy of the permit shall be kept at the construction site at all times while the work is in progress.

(b) The permit fee shall be as set by the Board. Permit fees collected are non-refundable.

(c) Each application for a permit shall be accompanied by applicable fees and by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building, the location of the machinery room and the equipment to be installed, relocated, or altered, and all structural supporting members, including foundations. The applicant shall also specify all materials to be employed and all loads to be supported or conveyed. These plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(d) Permits may be revoked for the following reasons:

(1) Any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.

(2) The permit was issued in error and should not have been issued in accordance with the code.

(3) The work detailed under the permit is not being performed in accordance with the provisions of the application, plans, or specifications or with the code or conditions of the permit.

(4) The elevator contractor to whom the permit was issued fails or refuses to comply with a "stop work" order.

(5) If the work authorized by a permit is not commenced within 6 months after the date of issuance, or within a shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued.

(6) If the work is suspended or abandoned for a period of 60 days, or shorter period of time as the Administrator or his or her duly authorized representative in his or her discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Administrator or his or her representative may allow an extension of this period at his or

her discretion.

(e) This Section does not apply to conveyances located in a municipality with a population over 500,000 that provides for permits of such conveyances.

Section 95. New installations; annual inspections and registrations.

(a) All new conveyance installations shall be performed by a person, firm, or company to which a license to install or service conveyances has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable Sections of this Act. Prior to any conveyance being used, the property owner or lessee must obtain a certificate of operation from the Administrator, unless the property is located within a municipality with a population greater than 500,000. A fee as set forth in this Act shall be paid for the certificate of operation. It shall be the responsibility of the licensed elevator contractor to complete and submit first time registration for new installations. The certificate of operation fee for newly installed platform lifts and stairway chair lifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.

(b) The certificate of operation fee for all new and existing platform and stairway chair lifts for private residences and any renewal certificate fees shall be waived. The Administrator or his or her designee shall inspect, in accordance with the requirements set forth in this Act, all newly installed and existing platform lifts and stairway chair lifts for private residences subsequent to an inspection by a person, firm, or company to which a license to inspect conveyances has been issued, unless the private residence is located within a municipality with a population greater than 500,000.

(c) A certificate of operation referenced in subsections (a) and (b) of this Section is renewable annually, except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of 3 years. Certificates of operation must be clearly displayed on or in each conveyance or in the machine room for use for the benefit of code enforcement staff.

Section 100. Insurance requirements.

(a) Elevator contractors shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least $2,000,000 for injury or death of any one person and $2,000,000 for injury or death of any number of persons in any one occurrence, with coverage of at least $1,000,000 for property damage in any one occurrence and statutory workers compensation insurance coverage.

(b) Private elevator inspectors shall submit to the Administrator an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least $2,000,000 for injury or death of any one person and $2,000,000 for injury or death of any number of persons in any one occurrence, with coverage of at least $1,000,000 for property damage in any one occurrence and statutory workers compensation insurance coverage.

(c) These policies, or duly certified copies thereof, or an appropriate certificate of insurance, approved as to form by the Department of Insurance and as to sufficiency by the State Comptroller, shall be delivered to the Administrator before or at the time of the issuance of a license. In the event of a material alteration or cancellation of a policy, at least 10 days notice thereof shall be given to the Administrator.

Section 105. Enforcement.

(a) It shall be the duty of the Elevator Safety Review Board to develop an enforcement program to ensure compliance with rules and requirements referenced in this Act. This shall include, but shall not be limited to, rules for identification of property locations that are subject to the rules and requirements; issuing notifications to violating property owners or operators, random on-site inspections, and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, firms, or companies; and assisting in development of public awareness programs.

(b) Any person may make a request for an investigation into an alleged violation of this Act by giving notice to the Administrator of such violation or danger. The notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person making the request. Upon the request of any person signing the notice, the person's name shall not appear on any copy of the notice or any record published, released, or made available.

(c) If, upon receipt of such notification, the Administrator determines that there are reasonable grounds to believe that such violation or danger exists, the Administrator shall cause to be made an investigation in accordance with the provisions of this Act as soon as practicable to determine if such violation or danger exists. If the Administrator determines that there are no reasonable grounds to believe that a violation or danger exists, he or she shall notify the party in writing of such determination.

(d) This Section does not apply within a municipality with a population over 500,000.

Section 110. Liability.

(a) This Act shall not be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator or other related mechanisms covered by this Act for damages to person or property caused by any defect therein, nor does the State or any unit of local government assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this Act or any acts or omissions arising under this Act.

(b) Any owner or lessee who violates any of the provisions of this Act shall be fined in an amount not to exceed $1,500.

(c) Compliance with this Act is not a defense to a legal proceeding.

Section 115. Provisions not retroactive. The provisions of this Act are not retroactive unless otherwise stated, and equipment shall be required to comply with the applicable code at the date of its installation or within the period determined by the Board for compliance with ASME A17.3, whichever is more stringent. If, upon the inspection of any device covered by this Act, the equipment is found in dangerous condition or there is an immediate hazard to those riding or using such equipment or if the design or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the administrator, he or she shall notify the owner of the condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.

Section 120. Inspection and testing.

(a) It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually by a person, firm, or company to which

a license to inspect conveyances has been issued. Subsequent to inspection, the licensed person, firm, or company must supply the property owner or lessee and the Administrator with a written inspection report describing any and all violations. Property owners shall have 30 days from the date of the published inspection report to be in full compliance by correcting the violations.

(b) It shall be the responsibility of the owner of all conveyances to have a firm or company licensed as described in this Act to ensure that the required inspection and test are performed at intervals in compliance with ASME A17.1, ASME A18.1, and ASCE 21.

(c) All tests shall be performed by a licensed elevator mechanic.

Section 125. State law, code, or regulation. Whenever a provision in this Act is found to be inconsistent with any provision of another applicable State law, code, or rule, the State law shall prevail. This Act, unless specifically stated otherwise, is not intended to establish more stringent or more restrictive standards than standards set forth in other applicable State laws.

Section 130. Accidents. The owner of each conveyance shall notify the administrator of any accident causing personal injury or property damage in excess of $1,000 that involves a conveyance, on or before the close of business the next business day following the accident. The Administrator shall investigate and report to the Board the cause of any conveyance accident that may occur in the State, the injuries sustained, and any other data that may be of benefit in preventing other similar accidents.

Section 135. Elevators in private residences. The owner of a conveyance located in his or her private residence may register, pay the required fee, and have his or her existing conveyance inspected. The Administrator shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including the need to have the elevator periodically and timely inspected and made safe. Any inspection performed shall be done solely at the request and with the consent of the private residence owner. No penalty provision of this Act shall apply to private residence owners.

Section 140. Local regulation; home rule.

(a) A municipality within its corporate limits and a county within unincorporated areas within its boundaries may inspect, license, or otherwise regulate elevators and devices described in Section 10 of this Act, but any safety standards or regulations adopted by a municipality or county under this subsection must be at least as stringent as those provided for in this Act and the rules adopted under this Act. A municipality or county that inspects, licenses, or otherwise regulates elevators and devices described in Section 10 of this Act may impose reasonable fees to cover the cost of the inspection, licensure, or other regulation.

(b) Except as otherwise provided in subsection (c), a home rule unit may not regulate the inspection or licensure of, or otherwise regulate, elevators and devices described in Section 10 of this Act in a manner less restrictive than the regulation by the State of those matters under this Act. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(c) This Act does not limit the home rule powers of a municipality with a population over 500,000, and this Act shall not apply within such a municipality if that application would be inconsistent with an ordinance adopted under those home rule powers.

Section 900. The Regulatory Sunset Act is amended by adding Section 4.23 as follows:

(5 ILCS 80/4.23 new)
Sec. 4.23. Act repealed on January 1, 2013. The following Act is repealed on January 1, 2013:
The Elevator Safety and Regulation Act.".

AMENDMENT NO. 6 TO SENATE BILL 1701

AMENDMENT NO. 6. Amend Senate Bill 1701, AS AMENDED, with reference to page and line numbers or House Amendment No. 3, on page 2, line 1, after "interfere with", by inserting "the powers of municipalities or"; and
on page 7, by replacing lines 28 through 33 with the following:
"However, a licensed elevator contractor is not required for removal or dismantling of conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure and where no access is permitted that would endanger the safety and welfare of a person."; and
on page 8, by deleting lines 1 through 4; and
on page 8, line 12, by replacing "11" with "13"; and
on page 8, line 14, by replacing "8" with "10"; and
on page 8, line 21, after "500,000;", by inserting "one representative of a municipality in this State with a population under 25,000; one representative of a municipality in this State with a population of 25,000 or over but under 50,000;"; and
on page 8, line 22, after "population", by inserting "of 50,000 or over but"; and
on page 8, line 33, by replacing "and 2" with "and 4"; and
on page 10, by replacing lines 16 and 17 with the following:
"applicable State codes, standards, and regulations in cases were such variances would not"; and
on page 12, line 11, after "contractors", by inserting "for work performed within the corporate boundaries of a municipality with a population over 500,000"; and
on page 14, line 19, after "contractors", by inserting "for work performed within the corporate boundaries of a municipality with a population over 500,000"; and
on page 17, line 23, after the period, by inserting "All fees and fines deposited pursuant to this Section shall be used for the duties and administration of this Act."; and
on page 18, by replacing lines 30 and 31 with the following:
"Section 85. Compliance. It shall be the responsibility of"; and
on page 19, by replacing lines 5 and 6 with the following:
"contained in this Act and local regulations."; and
on page 22, on lines 24 and 25, by deleting "and as to the sufficiency by the State Comptroller".

Under the rules, the foregoing **Senate Bill No. 1701**, with House Amendments numbered 1, 3 and 6, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1983
A bill for AN ACT concerning education.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the

Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 1983
House Amendment No. 2 to SENATE BILL NO. 1983

Passed the House, as amended, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1983

AMENDMENT NO. 1. Amend Senate Bill 1983 as follows:
on page 1, line 5, after "14C-4", by inserting "and adding Sections 10-21.3a and 34-18.23"; and
on page 11, immediately below line 2, by inserting the following:
"(105 ILCS 5/10-21.3a new)
Sec. 10-21.3a. Transfer of students. Each school board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:
(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.
(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).
(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district."; and
on page 13, immediately below line 1, by inserting the following:
"(105 ILCS 5/34-18.23 new)
Sec. 34-18.23. Transfer of students. The board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:
(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.
(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be

permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.".

AMENDMENT NO. 2 TO SENATE BILL 1983

AMENDMENT NO. 2. Amend Senate Bill 1983 by replacing the title with the following:

"AN ACT concerning education."; and

by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 2-3.64, 10-17a, and 14C-4 as follows:

(105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

Sec. 2-3.64. State goals and assessment.

(a) Beginning in the 1998-1999 school year, the State Board of Education shall establish standards and periodically, in collaboration with local school districts, conduct studies of student performance in the learning areas of fine arts and physical development/health. Beginning with the 1998-1999 school year, the State Board of Education shall annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th grades in English language arts (reading, writing, and English grammar) and mathematics; and (ii) all pupils enrolled in the 4th and 7th grades in the biological and physical sciences and the social sciences (history, geography, civics, economics, and government). The State Board of Education shall establish the academic standards that are to be applicable to pupils who are subject to State tests under this Section beginning with the 1998-1999 school year. However, the State Board of Education shall not establish any such standards in final form without first providing opportunities for public participation and local input in the development of the final academic standards. Those opportunities shall include a well-publicized period of public comment, public hearings throughout the State, and opportunities to file written comments. Beginning with the 1998-99 school year and thereafter, the State tests will identify pupils in the 3rd grade or 5th grade who do not meet the State standards. If, by performance on the State tests or local assessments or by teacher judgment, a student's performance is determined to be 2 or more grades below current placement, the student shall be provided a remediation program developed by the district in consultation with a parent or guardian. Such remediation programs may include, but shall not be limited to, increased or concentrated instructional time, a remedial summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grade, and modifications to instructional materials. Each pupil for whom a remediation program is developed under this subsection shall be required to enroll in and attend whatever program the district determines is appropriate for the pupil. Districts may combine students in remediation programs where appropriate and may cooperate with other districts in the design and delivery of those programs. The parent or guardian of a student required to attend a remediation program under this Section shall be given written notice of that requirement by the school district a reasonable time prior to commencement of the remediation program that the student is to attend. The State shall be responsible for providing school districts with the new and additional funding, under

Section 2-3.51.5 or by other or additional means, that is required to enable the districts to operate remediation programs for the pupils who are required to enroll in and attend those programs under this Section. Every individualized educational program as described in Article 14 shall identify if the State test or components thereof are appropriate for that student. For those pupils for whom the State tests or components thereof are not appropriate, the State Board of Education shall develop rules and regulations governing the administration of alternative tests prescribed within each student's individualized educational program which are appropriate to the disability of each student. All pupils who are in a State approved transitional bilingual education program or transitional program of instruction shall participate in the State tests. Any student who has been enrolled in a State approved bilingual education program less than 3 academic years shall be exempted if the student's lack of English as determined by an English language proficiency test would keep the student from understanding the test, and that student's district shall have an alternative test program in place for that student. The State Board of Education shall appoint a task force of concerned parents, teachers, school administrators and other professionals to assist in identifying such alternative tests. Reasonable accommodations as prescribed by the State Board of Education shall be provided for individual students in the testing procedure. All test procedures prescribed by the State Board of Education shall require: (i) that each test used for State and local student testing under this Section identify by name the pupil taking the test; (ii) that the name of the pupil taking the test be placed on the test at the time the test is taken; (iii) that the results or scores of each test taken under this Section by a pupil of the school district be reported to that district and identify by name the pupil who received the reported results or scores; and (iv) that the results or scores of each test taken under this Section be made available to the parents of the pupil. In addition, beginning with the 2000-2001 school year and in each school year thereafter, the highest scores and performance levels attained by a student on the Prairie State Achievement Examination administered under subsection (c) of this Section shall become part of the student's permanent record and shall be entered on the student's transcript pursuant to regulations that the State Board of Education shall promulgate for that purpose in accordance with Section 3 and subsection (e) of Section 2 of the Illinois School Student Records Act. Beginning with the 1998-1999 school year and in every school year thereafter, scores received by students on the State assessment tests administered in grades 3 through 8 shall be placed into students' temporary records. The State Board of Education shall establish a common month in each school year for which State testing shall occur to meet the objectives of this Section. However, if the schools of a district are closed and classes are not scheduled during any week that is established by the State Board of Education as the week of the month when State testing under this Section shall occur, the school district may administer the required State testing at any time up to 2 weeks following the week established by the State Board of Education for the testing, so long as the school district gives the State Board of Education written notice of its intention to deviate from the established schedule by December 1 of the school year in which falls the week established by the State Board of Education for the testing. The maximum time allowed for all actual testing required under this subsection during the school year shall not exceed 25 hours as allocated among the required tests by the State Board of Education.

[May 30, 2002]

(a-5) All tests administered pursuant to this Section shall be academically based. For the purposes of this Section "academically based tests" shall mean tests consisting of questions and answers that are measurable and quantifiable to measure the knowledge, skill, and ability of students in the subject matters covered by tests. The scoring of academically based tests shall be reliable, valid, unbiased and shall meet the guidelines for test development and use prescribed by the American Psychological Association, the National Council of Measurement and Evaluation, and the American Educational Research Association. Academically based tests shall not include assessments or evaluations of attitudes, values, or beliefs, or testing of personality, self-esteem, or self-concept. Nothing in this amendatory Act is intended, nor shall it be construed, to nullify, supersede, or contradict the legislative intent on academic testing expressed during the passage of HB 1005/P.A. 90-296.

Beginning in the 1998-1999 school year, the State Board of Education may, on a pilot basis, include in the State assessments in reading and math at each grade level tested no more than 2 short answer questions, where students have to respond in brief to questions or prompts or show computations, rather than select from alternatives that are presented. In the first year that such questions are used, scores on the short answer questions shall not be reported on an individual student basis but shall be aggregated for each school building in which the tests are given. State-level, school, and district scores shall be reported both with and without the results of the short answer questions so that the effect of short answer questions is clearly discernible. Beginning in the second year of this pilot program, scores on the short answer questions shall be reported both on an individual student basis and on a school building basis in order to monitor the effects of teacher training and curriculum improvements on score results.

The State Board of Education shall not continue the use of short answer questions in the math and reading assessments, or extend the use of such questions to other State assessments, unless this pilot project demonstrates that the use of short answer questions results in a statistically significant improvement in student achievement as measured on the State assessments for math and reading and is justifiable in terms of cost and student performance.

(b) It shall be the policy of the State to encourage school districts to continuously test pupil proficiency in the fundamental learning areas in order to: (i) provide timely information on individual students' performance relative to State standards that is adequate to guide instructional strategies; (ii) improve future instruction; and (iii) complement the information provided by the State testing system described in this Section. Each district's school improvement plan must address specific activities the district intends to implement to assist pupils who by teacher judgment and test results as prescribed in subsection (a) of this Section demonstrate that they are not meeting State standards or local objectives. Such activities may include, but shall not be limited to, summer school, extended school day, special homework, tutorial sessions, modified instructional materials, other modifications in the instructional program, reduced class size or retention in grade. To assist school districts in testing pupil proficiency in reading in the primary grades, the State Board shall make optional reading inventories for diagnostic purposes available to each school district that requests such assistance. Districts that administer the reading inventories may develop remediation programs for students who perform in the bottom half of the student population. Those remediation programs may be funded by moneys provided under the School Safety and

Educational Improvement Block Grant Program established under Section 2-3.51.5. Nothing in this Section shall prevent school districts from implementing testing and remediation policies for grades not required under this Section.

(c) Beginning with the 2000-2001 school year, each school district that operates a high school program for students in grades 9 through 12 shall annually administer the Prairie State Achievement Examination established under this subsection to its students as set forth below. The Prairie State Achievement Examination shall be developed by the State Board of Education to measure student performance in the academic areas of reading, writing, mathematics, science, and social sciences. The State Board of Education shall establish the academic standards that are to apply in measuring student performance on the Prairie State Achievement Examination including the minimum examination score in each area that will qualify a student to receive a Prairie State Achievement Award from the State in recognition of the student's excellent performance. Each school district that is subject to the requirements of this subsection (c) shall afford all students 2 opportunities to take the Prairie State Achievement Examination beginning as late as practical during the second semester of grade 11, but in no event before March 1. The State Board of Education shall annually notify districts of the weeks during which these test administrations shall be required to occur. Every individualized educational program as described in Article 14 shall identify if the Prairie State Achievement Examination or components thereof are appropriate for that student. Each student, exclusive of a student whose individualized educational program developed under Article 14 identifies the Prairie State Achievement Examination as inappropriate for the student, shall be required to take the examination in grade 11. For each academic area the State Board of Education shall establish the score that qualifies for the Prairie State Achievement Award on that portion of the examination. Any student who fails to earn a qualifying score for a Prairie State Achievement Award in any one or more of the academic areas on the initial test administration or who wishes to improve his or her score on any portion of the examination shall be permitted to retake such portion or portions of the examination during grade 12. Districts shall inform their students of the timelines and procedures applicable to their participation in every yearly administration of the Prairie State Achievement Examination. Students receiving special education services whose individualized educational programs identify the Prairie State Achievement Examination as inappropriate for them nevertheless shall have the option of taking the examination, which shall be administered to those students in accordance with standards adopted by the State Board of Education to accommodate the respective disabilities of those students. A student who successfully completes all other applicable high school graduation requirements but fails to receive a score on the Prairie State Achievement Examination that qualifies the student for receipt of a Prairie State Achievement Award shall nevertheless qualify for the receipt of a regular high school diploma.

(d) Beginning with the 2002-2003 school year, all schools in this State that are part of the sample drawn by the National Center for Education Statistics, in collaboration with their school districts and the State Board of Education, shall administer the biennial State academic assessments of 4th and 8th grade reading and mathematics under the National Assessment of Educational Progress carried out under Section 411(b)(2) of the National Education Statistics Act of 1994 (20 U.S.C. 9010) if the Secretary of Education pays the costs of administering the assessments.

(Source: P.A. 90-566, eff. 1-2-98; 90-789, eff. 8-14-98; 91-283, eff. 7-29-99.)

(105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

Sec. 10-17a. Better schools accountability.

(1) Policy and Purpose. It shall be the policy of the State of Illinois that each school district in this State, including special charter districts and districts subject to the provisions of Article 34, shall submit to parents, taxpayers of such district, the Governor, the General Assembly, and the State Board of Education a school report card assessing the performance of its schools and students. The report card shall be an index of school performance measured against statewide and local standards and will provide information to make prior year comparisons and to set future year targets through the school improvement plan.

(2) Reporting Requirements. Each school district shall prepare a report card in accordance with the guidelines set forth in this Section which describes the performance of its students by school attendance centers and by district and the district's use of financial resources. Such report card shall be presented at a regular school board meeting subject to applicable notice requirements, posted on the school district's Internet web site, if the district maintains an Internet web site, ~~and such report cards shall be~~ made available to a newspaper of general circulation serving the district, and, upon request, ~~shall be~~ sent home to a parent (unless the district does not maintain an Internet web site, in which case the report card shall be sent home to parents without request) ~~parents~~. In addition, each school district shall submit the completed report card to the office of the district's Regional Superintendent which shall make copies available to any individuals requesting them.

The report card shall be completed and disseminated prior to October 31 in each school year. The report card shall contain, but not be limited to, actual local school attendance center, school district and statewide data indicating the present performance of the school, the State norms and the areas for planned improvement for the school and school district.

(3) (a) The report card shall include the following applicable indicators of attendance center, district, and statewide student performance: percent of students who exceed, meet, or do not meet standards established by the State Board of Education pursuant to Section 2-3.25a; composite and subtest means on nationally normed achievement tests for college bound students; student attendance rates; chronic truancy rate; dropout rate; graduation rate; and student mobility, turnover shown as a percent of transfers out and a percent of transfers in.

(b) The report card shall include the following descriptions for the school, district, and State: average class size; amount of time per day devoted to mathematics, science, English and social science at primary, middle and junior high school grade levels; number of students taking the Prairie State Achievement Examination under subsection (c) of Section 2-3.64, the number of those students who received a score of excellent, and the average score by school of students taking the examination; pupil-teacher ratio; pupil-administrator ratio; operating expenditure per pupil; district expenditure by fund; average administrator salary; and average teacher salary.

(c) The report card shall include applicable indicators of parental involvement in each attendance center. The parental involvement component of the report card shall include the percentage of students whose parents or guardians have had one or more personal contacts with the students' teachers during the school year

concerning the students' education, and such other information, commentary, and suggestions as the school district desires. For the purposes of this paragraph, "personal contact" includes, but is not limited to, parent-teacher conferences, parental visits to school, school visits to home, telephone conversations, and written correspondence. The parental involvement component shall not single out or identify individual students, parents, or guardians by name.

(d) The report card form shall be prepared by the State Board of Education and provided to school districts by the most efficient, economic, and appropriate means.

(Source: P.A. 89-610, eff. 8-6-96.)

(105 ILCS 5/14C-4) (from Ch. 122, par. 14C-4)

Sec. 14C-4. Notice of enrollment; content; rights of parents.

No later than 30 ~~10~~ days after the beginning of the school year or 14 days after the enrollment of any child in a program in transitional bilingual education during the middle of a school year, the school district in which the child resides shall notify by mail the parents or legal guardian of the child of the fact that their child has been enrolled in a program in transitional bilingual education. The notice shall contain all of the following information in a simple, nontechnical language:

(1) The reasons why the child has been placed in and needs the services of the program.

(2) The child's level of English proficiency, how this level was assessed, and the child's current level of academic achievement.

(3) ~~description of~~ The ~~purposes,~~ method of instruction used in the program and in other available offerings of the district, including how the program differs from those other offerings in content, instructional goals, and the use of English and native language instruction.

(4) How the program will meet the educational strengths and needs of the child.

(5) How the program will specifically help the child to learn English and to meet academic achievement standards for grade promotion and graduation.

(6) The specific exit requirements for the program, the expected rate of transition from the program into the regular curriculum, and the expected graduation rate for children in the program if the program is offered at the secondary level.

(7) How the program meets the objectives of the child's individual educational program (IEP), if applicable.

(8) The right of the parents to decline to enroll the child in the program or to choose another program or method of instruction, if available.

(9) The right of the parents to have the child immediately removed from the program upon request.

(10) ~~and content of the program in which the child is enrolled and shall inform the parents that they have~~ The right of the parents to visit transitional bilingual education classes in which their child is enrolled and to come to the school for a conference to explain the nature of transitional bilingual education. ~~Said notice shall further inform the parents that they have the absolute right, if they so wish, to withdraw their child from a program in transitional bilingual education in the manner as hereinafter provided.~~

The notice shall be in writing in English and in the language of which the child of the parents so notified possesses a primary speaking ability.

Any parent whose child has been enrolled in a program in

transitional bilingual education shall have the absolute right~~, either at the time of the original notification of enrollment or at the close of any semester thereafter,~~ to immediately withdraw his child from said program by providing written notice of such desire to the school authorities of the school in which his child is enrolled or to the school district in which his child resides~~; provided that no withdrawal shall be permitted unless such parent is informed in a conference with school district officials of the nature of the program~~.
(Source: P.A. 78-727.)

Section 99. Effective date. This Act takes effect on July 1, 2002.".

Under the rules, the foregoing **Senate Bill No. 1983**, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2192

A bill for AN ACT concerning commercial development.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 2192

Passed the House, as amended, May 30, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 2192

AMENDMENT NO. 2. Amend Senate Bill 2192 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-65, 605-500, 605-525, 605-800, 605-810 605-900, 605-905, 605-910, and 605-915 as follows:

(20 ILCS 605/605-65) (was 20 ILCS 605/46.52)

Sec. 605-65. Grants under Gang Control Grant Act. The Department may ~~To~~ award grants to community-based groups, as defined in the Gang Control Grant Act.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-500) (was 20 ILCS 605/46.13)

Sec. 605-500. Business Assistance Office. To create a Business Assistance Office to do the following:

(1) Provide information to new and existing businesses for all State government forms and applications and make this information readily available through a business permit center. The Office shall not assume any regulatory function. All State agencies shall cooperate with the business permit center to provide the necessary information, materials, and assistance to enable the center to carry out its function in an effective manner. Each agency shall designate an individual to serve as liaison to the center to provide information and materials and to respond to requests for assistance from businesses.

(2) Provide technical and managerial assistance to entrepreneurs and small businesses by (i) contracting with local development

organizations, chambers of commerce, and industry or trade associations with technical and managerial expertise located in the State, whenever possible, and (ii) establishing a network of small business development centers throughout the State.

(3) Assess the fiscal impact of proposed rules upon small business and work with agencies in developing flexible regulations through a regulatory review program.

(4) Provide detailed and comprehensive assistance to businesses interested in obtaining federal or State government contracts through a network of local procurement centers. The Department shall make a special and continuing effort to assist minority and female owned businesses, including but not limited to the designation of special minority and female business advocates, and shall make additional efforts to assist those located in labor surplus areas. The Department shall, through its network of local procurement centers, make every effort to provide opportunities for small businesses to participate in the procurement process. The Department shall utilize one or more of the following techniques. These techniques are to be in addition to any other procurement requirements imposed by Public Act 83-1341 or by any other Act.

(A) Advance notice by the Department or other appropriate State entity of possible procurement opportunities should be made available to interested small businesses.

(B) Publication of procurement opportunities in publications likely to be obtained by small businesses.

(C) Direct notification, whenever the Department deems it feasible, of interested small businesses.

(D) Conduct of public hearings and training sessions, when possible, regarding State and federal government procurement policies.

The Department of Central Management Services shall cooperate with the Department in providing information on the method and procedure by which a small business becomes involved in the State or federal government procurement process.

(5) (Blank). ~~Study the total number of registrations, licenses, and reports that must be filed in order to do business in this State, seek input from the directors of all regulatory agencies, and submit a report on how this paperwork might be reduced to the Governor and the General Assembly no later than January 1, 1985.~~

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-525) (was 20 ILCS 605/46.55)

Sec. 605-525. Minority Controlled and Female Controlled Business Loan Board. There is hereby created a Minority Controlled and Female Controlled Businesses Loan Board, hereinafter referred to as the Board, consisting of 6 members appointed by the Governor with the advice and consent of the Senate. No more than 3 members shall be of the same political party. For the initial appointments to the Board, 3 members shall be appointed to serve a 2 year term and 3 members shall be appointed to serve a 4 year term. Successor members shall serve for terms of 4 years.

The Board may ~~shall~~ maintain an office in each of the following areas: Alexander or Pulaski County, East St. Louis, and the City of Chicago. For the purpose of this Act, the terms "minority person", "female", "minority owned business" and "female owned business" shall have the definitions of those terms provided in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

The Board may ~~shall have the authority to~~ make direct grants and low interest loans to minority controlled businesses and female controlled businesses in East St. Louis, the City of Chicago, and

either Alexander County or Pulaski County from appropriations for that purpose to the Department. The Board may ~~shall~~ establish and publish guidelines to be followed in making the grants and loans.

Grant funds may ~~will~~ be allowed to reimburse businesses for expenses incurred in the preparation of proposals that are accepted for loan assistance and to maintain administering offices in each of the 4 target areas. Loan funds may ~~will~~ be awarded at a cost of no more than 3% per annum for up to 20 years to businesses that are existing or proposed.

(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-800) (was 20 ILCS 605/46.19a in part)

Sec. 605-800. Training grants for skills in critical demand.

(a) Grants to provide training in fields affected by critical demands for certain skills may be made as provided in this Section.

(b) The Director may make grants to eligible employers or to other eligible entities on behalf of employers as authorized in subsection (c) to provide training for employees in fields for which there are critical demands for certain skills.

(c) The Director may accept applications for training grant funds and grant requests from: (i) entities sponsoring multi-company eligible employee training projects as defined in subsection (d), including business associations, strategic business partnerships, institutions of secondary or higher education, large manufacturers for supplier network companies, ~~federal Job Training Partnership Act administrative entities or grant recipients,~~ and labor organizations when those projects will address common training needs identified by participating companies; and (ii) individual employers that are undertaking eligible employee training projects as defined in subsection (d), including intermediaries and training agents.

(d) The Director may make grants to eligible applicants as defined in subsection (c) for employee training projects that include, but need not be limited to, one or more of the following:

(1) Training programs in response to new or changing technology being introduced in the workplace.

(2) Job-linked training ~~that offers special skills for career advancement or that is preparatory for, and leads directly to, jobs with definite career potential and long term job security~~.

(3) Training necessary to implement total quality management or improvement or both management and improvement systems within the workplace.

(4) Training related to new machinery or equipment being installed in the workplace.

(5) Training of employees of companies that are expanding into new markets or expanding exports from Illinois.

(6) Basic, remedial, or both basic and remedial training of employees as a prerequisite for other vocational or technical skills training ~~or as a condition for sustained employment~~.

(7) Self-employment training of the unemployed and underemployed with comprehensive, competency-based instructional programs and services, entrepreneurial education and training initiatives for ~~youth and~~ adult learners in cooperation with the Illinois Institute for Entrepreneurial Education, training and education, conferences, workshops, and best practice information for local program operators of entrepreneurial education and self-employment training programs.

(8) Other training activities or projects, or both training activities and projects, related to the support, development, or evaluation of job training programs, activities, and delivery systems, including training needs assessment and design.

(e) Grants shall be made on the terms and conditions that the Department shall determine. No grant made under subsection (d), however, shall exceed 50% of the direct costs of all approved training programs provided by the employer or the employer's training agent or other entity as defined in subsection (c). Under this Section, allowable costs include, but are not limited to:

(1) Administrative costs of tracking, documenting, reporting, and processing training funds or project costs.

(2) Curriculum development.

(3) Wages and fringe benefits of employees.

(4) Training materials~~, including scrap product costs~~.

(5) Trainee travel expenses.

(6) Instructor costs, including wages, fringe benefits, tuition, and travel expenses.

(7) Rent, purchase, or lease of training equipment.

(8) Other usual and customary training costs.

(f) The Director will ensure that a minimum of one on-site grant monitoring visit is conducted by the Department either during the course of the grant period or within 6 months following the end of the grant period. The Department shall verify that the grantee's financial management system is structured to provide for accurate, current, and complete disclosure of the financial results of the grant program in accordance with all provisions, terms, and conditions contained in the grant contract.

(g) (Blank) ~~The Director may establish and collect a schedule of charges from subgrantee entities and other system users under federal job training programs for participating in and utilizing the Department's automated job training program information systems if the systems and the necessary participation and utilization are requirements of the federal job training programs. All monies collected pursuant to this subsection shall be deposited into the Title III Social Security and Employment Fund, except that any moneys that may be necessary to pay liabilities outstanding as of June 30, 2000 shall be deposited into the Federal Job Training Information Systems Revolving Fund~~.

(Source: P.A. 90-454, eff. 8-16-97; 91-239, eff. 1-1-00; 91-476, eff. 8-11-99; 91-704, eff. 7-1-00.)

(20 ILCS 605/605-810) (was 20 ILCS 605/46.19a in part)

Sec. 605-810. Reemployment of former employees. When the Department is involved in developing a federal or State funded training or retraining program for any employer, the Department will assist and encourage that employer in making every effort to reemploy individuals previously employed at the facility. ~~Further, the Department will provide a list of those employees to the employer for consideration for reemployment and will report the results of this effort to the Illinois Job Training Coordinating Council.~~ This requirement shall be in effect when all of the following conditions are met:

(1) The employer is reopening, or is proposing to reopen, a facility that was last closed during the preceding 2 years.

(2) A substantial number of the persons who were employed at the facility before its most recent closure remain unemployed.

(3) The product or service produced by, or proposed to be produced by, the employer at the facility is substantially similar to the product or service produced at the facility before its most recent closure.

(Source: P.A. 90-454, eff. 8-16-97; 91-239, eff. 1-1-00.)

(20 ILCS 605/605-900) (was 20 ILCS 605/46.6b)

Sec. 605-900. Construction loans to local governments for revenue producing capital facilities. The Department may ~~To~~ make loans to

units of local government for construction of revenue producing capital facilities, subject to the terms and conditions it deems necessary to ensure repayment.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-905) (was 20 ILCS 605/46.41b)

Sec. 605-905. Grants to local governments in connection with federal prisons. The Department may ~~To~~ make grants to units of local government for (i) land acquisition and all necessary improvements upon or related thereto for the purpose of facilitating the location of federal prisons in Illinois and (ii) for the development of industrial or commercial parks, or both, that are adjacent to or abut any federal prison constructed in Illinois after January 9, 1990 (the effective date of Public Act 86-1017).
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-910) (was 20 ILCS 605/46.56)

Sec. 605-910. Grants to municipalities for site development along waterways. In cooperation with the Department of Transportation, the Department may ~~to~~ make grants and provide financial assistance to municipalities for site development along waterways in order to promote commercial and industrial development.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-915) (was 20 ILCS 605/46.45)

Sec. 605-915. Assisting local governments to achieve lower borrowing costs. The Department may ~~To~~ cooperate with the Illinois Development Finance Authority in assisting local governments to achieve overall lower borrowing costs and more favorable terms under Sections 7.50 through 7.61 of the Illinois Development Finance Authority Act, including using the Department's federally funded Community Development Assistance Program for those purposes.
(Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-340 rep.)
(20 ILCS 605/605-345 rep.)
(20 ILCS 605/605-360 rep.)
(20 ILCS 605/605-505 rep.)
(20 ILCS 605/605-815 rep.)

Section 10. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by repealing Sections 605-340, 605-345, 605-360, 605-505, and 605-815.

(20 ILCS 655/12-1 rep.)
(20 ILCS 655/12-2 rep.)
(20 ILCS 655/12-3 rep.)
(20 ILCS 655/12-4 rep.)
(20 ILCS 655/12-5 rep.)
(20 ILCS 655/12-6 rep.)
(20 ILCS 655/12-7 rep.)
(20 ILCS 655/12-8 rep.)
(20 ILCS 655/12-9 rep.)

Section 15. The Illinois Enterprise Zone Act is amended by repealing Sections 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, and 12-9.

Section 20. The Rural Diversification Act is amended by changing Sections 4 and 5 as follows:

(20 ILCS 690/4) (from Ch. 5, par. 2254)

Sec. 4. Powers of the Office. The Office has the following powers, in addition to those granted to it by other law, which it may exercise at the discretion of the Director of Commerce and Community Affairs:

(a) To provide financing pursuant to the provisions of this Act, from appropriations made by the General Assembly from the General Revenue Fund, Federal trust funds, and the Rural Diversification

Revolving Fund created herein, to or on behalf of rural business and agribusiness to promote rural diversification.

(b) To provide financing in the form of direct loans and grants from State funds for qualifying agricultural and rural diversification projects independent of federal financial participation, except that no grants from State funds shall be made directly with a rural business.

(c) To provide financing in the form of direct loans, grants, and technical assistance contracts from State funds for qualifying agricultural and rural diversification projects in coordination with federal financial participation in the form of loan guarantees, direct loans, and grant and technical assistance contract reimbursements.

(d) To consider in the award of State funded financing the satisfaction of matching requirements associated with federal financing participation and the maximization of federal financing participation to the benefit of the rural Illinois economy.

(e) To enter into agreements or contracts, accept funds or grants, and cooperate with agencies of the Federal Government, State or Local Governments, the private sector or non-profit organizations to carry out the purposes of this Act;

(f) To enter into agreements or contracts for the promotion, application origination, analysis or servicing of the financings made by the Office pursuant to this Act;

(g) To receive and accept, from any source, aid or contributions of money, property or labor for the furtherance of this Act and collect fees, charges or advances as the Department may determine in connection with its financing;

(h) To establish application, notification, contract and other procedures and other procedures and rules deemed necessary and appropriate by the Office to carry out the provisions of this Act;

(i) To foreclose any mortgage, deed of trust, note, debenture, bond or other security interest held by the Office and to take all such actions as may be necessary to enforce any obligation held by the Office;

(j) To analyze opportunities and needs of rural communities, primarily those communities experiencing farm worker distress including consultation with regional commissions, governments, or diversification organizations, and work to strengthen the coordination of existing programs offered through the Office, the Department of Agriculture, the Department of Natural Resources, the Illinois Farm Development Authority, the Cooperative Extension Service and others for rural and agribusiness development and assistance; and

(k) To cooperate with an existing committee comprised of representatives from the Office, the Rural Affairs Council or its successor, the Department of Agriculture, the Illinois Farm Development Authority and others to coordinate departmental policies with other State agencies and to promote agricultural and rural diversification in the State.

(l) To exercise such other right, powers and duties as are necessary to fulfill the purposes of this Act.

(Source: P.A. 89-445, eff. 2-7-96.)

(20 ILCS 690/5) (from Ch. 5, par. 2255)

Sec. 5. Agricultural and rural diversification financing.

(a) The Office may provide ~~Office's~~ financing to or on behalf of rural businesses or agribusinesses in the State. The financing shall be for the purpose of assisting in the cost of agricultural and rural diversification projects including (i) acquisition, construction, reconstruction, replacement, repair, rehabilitation, alteration,

expansion or extension of real property, buildings or machinery and equipment but not the acquisition of unimproved land for the production of crops or livestock; (ii) working capital items including but not limited to, inventory, accounts receivable and prepaid expenses; (iii) organizational expenses including, but not limited to, architectural and engineering costs, legal services, marketing analyses, production analyses, or other professional services; (iv) needed leasehold improvements, easements, and other amenities required to prepare a site; (v) information, technical support and technical assistance contracts to local officials or not-for-profit agencies regarding private, state and federal resources, programs or grant assistances and the needs and opportunities for diversification; and (vi) when conducted in cooperation with federal reimbursement programs, financing costs including guarantee fees, packaging fees and origination fees but not debt refinancing.

(b) Agricultural or rural diversification financing to a rural business or agribusiness under this Act shall be used only where it can be shown that the agricultural or rural diversification project for which financing is being sought has the potential to achieve commercial success and will increase employment, directly or indirectly retain jobs, or promote local diversification.

(c) The Office <u>may</u> ~~shall~~ establish an internal review committee with the Director of the Rural Affairs Council, or his designee, the Director of the Department of Agriculture, or his designee, and the Director of the Illinois Farm Development Authority, or his designee, as members to assist in the review of all project applications.

(d) The Office shall not provide financing to a rural business or agribusiness unless the application includes convincing evidence that a specific agricultural or rural diversification project is ready to occur and will only occur if the financing is made. The Office shall also consider the applicability of other state and federal programs prior to financing any project.

(Source: P.A. 85-180.)

Section 30. The Energy Conservation and Coal Development Act is amended by changing Section 3 as follows:

(20 ILCS 1105/3) (from Ch. 96 1/2, par. 7403)

Sec. 3. Powers and Duties.

(a) In addition to its other powers, the Department has the following powers:

(1) To administer for the State any energy programs and activities under federal law, regulations or guidelines, and to coordinate such programs and activities with other State agencies, units of local government, and educational institutions.

(2) To represent the State in energy matters involving the federal government, other states, units of local government, and regional agencies.

(3) To prepare energy contingency plans for consideration by the Governor and the General Assembly. Such plans shall include procedures for determining when a foreseeable danger exists of energy shortages, including shortages of petroleum, coal, nuclear power, natural gas, and other forms of energy, and shall specify the actions to be taken to minimize hardship and maintain the general welfare during such energy shortages.

(4) To cooperate with State colleges and universities and their governing boards in energy programs and activities.

(5) (Blank).

(6) To accept, receive, expend, and administer, including by contracts and grants to other State agencies, any

energy-related gifts, grants, cooperative agreement funds, and other funds made available to the Department by the federal government and other public and private sources.

(7) To investigate practical problems, seek and utilize financial assistance, implement studies and conduct research relating to the production, distribution and use of alcohol fuels.

(8) To serve as a clearinghouse for information on alcohol production technology; provide assistance, information and data relating to the production and use of alcohol; develop informational packets and brochures, and hold public seminars to encourage the development and utilization of the best available technology.

(9) To coordinate with other State agencies in order to promote the maximum flow of information and to avoid unnecessary overlapping of alcohol fuel programs. In order to effectuate this goal, the Director of the Department or his representative shall consult with the Directors, or their representatives, of the Departments of Agriculture, Central Management Services, Transportation, and Revenue, the Office of the State Fire Marshal, and the Environmental Protection Agency.

(10) To operate, within the Department, an Office of Coal Development and Marketing for the promotion and marketing of Illinois coal both domestically and internationally. The Department may use monies appropriated for this purpose for necessary administrative expenses.

The Office of Coal Development and Marketing shall develop and implement an initiative to assist the coal industry in Illinois to increase its share of the international coal market.

(11) To assist the Department of Central Management Services in establishing and maintaining a system to analyze and report energy consumption of facilities leased by the Department of Central Management Services.

(12) To consult with the Departments of Natural Resources and Transportation and the Illinois Environmental Protection Agency for the purpose of developing methods and standards that encourage the utilization of coal combustion by-products as value added products in productive and benign applications.

(13) (Blank). ~~To provide technical assistance and information to sellers and distributors of storage hot water heaters doing business in Illinois, pursuant to Section 1 of the Hot Water Heater Efficiency Act.~~

(b) (Blank).

(c) (Blank).

(d) The Department shall develop a package of educational materials regarding the necessity of waste reduction and recycling to reduce dependence on landfills and to maintain environmental quality. The materials developed shall be suitable for instructional use in grades 3, 4 and 5. The Department shall distribute such instructional material to all public elementary and unit school districts no later than November 1, of each year.

(e) (Blank). ~~The Department shall study the feasibility of requiring that wood and sawdust from construction waste, demolition projects, sawmills, or other projects or industries where wood is used in a large amount be shredded and composted, and that such wood be prohibited from being disposed of in a landfill. The Department shall report the results of this study to the General Assembly by January 1, 1991.~~

(f) (Blank).

(g) (Blank). ~~The Department shall develop a program designated~~

~~to encourage the recycling of outdated telephone directories and to encourage the printing of new directories on recycled paper. The Department shall work in conjunction with printers and distributors of telephone directories distributed in the State to provide them with any technical assistance available in their efforts to procure appropriate recycled paper. The Department shall also encourage directory distributors to pick up outdated directories as they distribute new ones, and shall assist any distributor who is willing to do so in finding a recycler willing to purchase the old directories and in publicizing and promoting with citizens of the area the distributor's collection efforts and schedules.~~

(h) The Department shall assist, cooperate with and provide necessary staff and resources for the Interagency Energy Conservation Committee, which shall be chaired by the Director of the Department.

(i) The Department shall operate or manage within or outside of the Department a corn to ethanol research facility for the purpose of reducing the costs of producing ethanol through the development and commercialization of new production technologies, equipment, processes, feedstocks, and new value added co-products and by-products. This work shall be conducted under the review and guidance of the Illinois Ethanol Research Advisory Board chaired by the Director of the Department. The ethanol production research shall be conducted at the Corn to Ethanol Research Pilot Plant in cooperation with universities, industry, other State agencies, and the federal government.

(Source: P.A. 89-93, eff. 7-6-95; 89-445, eff. 2-7-96; 90-304, eff. 8-1-97.)

Section 35. The Local Government Debt Offering Act is amended by changing Section 3 as follows:

(30 ILCS 375/3) (from Ch. 85, par. 843)

Sec. 3. The Department <u>may</u> ~~is authorized and directed to~~ provide technical and advisory assistance regarding the issuance of long-term debt to those local governments whose governing bodies request such assistance. Such assistance <u>may</u> ~~shall~~ include, but need not be limited to: (1) advice on the marketing of bonds by local governments, (2) advisory review of proposed local government debt issues, including the rendering of opinions as to their legality, (3) conduct of training courses in debt management for local financial officers, and (4) promotion of the use by local government of such tools for sound financial management as adequate systems of budgeting, accounting, auditing, and reporting.

(Source: P.A. 77-1504.)

Section 40. The Comprehensive Solar Energy Act of 1977 is amended by changing Section 1.2 as follows:

(30 ILCS 725/1.2) (from Ch. 96 1/2, par. 7303)

Sec. 1.2. Definitions. As used in this Act:

(a) "Solar Energy" means radiant energy received from the sun at wave lengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

(b) "Solar collector" means

(1) An assembly, structure, or design, including passive elements, used for gathering, concentrating, or absorbing direct or indirect solar energy, specially designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid, or liquid or to use that energy directly; or

(2) A mechanism that absorbs solar energy and converts it into electricity; or

(3) A mechanism or process used for gathering solar energy through wind or thermal gradients; or

(4) A component used to transfer thermal energy to a gas, solid, or liquid, or to convert it into electricity.

(c) "Solar storage mechanism" means equipment or elements (such as piping and transfer mechanisms, containers, heat exchangers, or controls thereof, and gases, solids, liquids, or combinations thereof) that are utilized for storing solar energy, gathered by a solar collector, for subsequent use.

(d) "Solar energy system" means

(1) (a) A complete assembly, structure, or design of a solar collector, or a solar storage mechanism, which uses solar energy for generating electricity or for heating or cooling gases, solids, liquids, or other materials;

(b) The design, materials, or elements of a system and its maintenance, operation, and labor components, and the necessary components, if any, of supplemental conventional energy systems designed or constructed to interface with a solar energy system; and

(c) Any legal, financial, or institutional orders, certificates, or mechanisms, including easements, leases, and agreements, required to ensure continued access to solar energy, its source, or its use in a solar energy system, and including monitoring and educational elements of a demonstration project.

(2) "Solar energy system" does not include

(a) Distribution equipment that is equally usable in a conventional energy system except for such components of such equipment as are necessary for meeting the requirements of efficient solar energy utilization; and

(b) Components of a solar energy system that serve structural, insulating, protective, shading, aesthetic, or other non-solar energy utilization purposes, as defined in the regulations of the Department; and

(c) Any facilities of a public utility used to transmit or distribute gas or electricity.

(e) "Solar Skyspace" means

(1) The maximum three dimensional space extending from a solar energy collector to all positions of the sun necessary for efficient use of the collector.

(2) Where a solar energy system is used for heating purposes only, "solar skyspace" means the maximum three dimensional space extending from a solar energy collector to all positions of the sun between 9 a.m. and 3 p.m. Local Apparent Time from September 22 through March 22 of each year.

(3) Where a solar energy system is used for cooling purposes only, "solar skyspace" means the maximum three dimensional space extending from a solar energy collector to all positions of the sun between 8 a.m. and 4 p.m. Local Apparent Time from March 23 through September 21.

(f) (Blank). ~~"Solar skyspace easement" means~~

~~(1) a right, whether or not stated in the form of a restriction, easement, covenant, or condition, in any deed, will, or other instrument executed by or on behalf of any owner of land or solar skyspace or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy.~~

~~(a) structures on or above ground;~~

~~(b) vegetation on or above the ground; or~~

~~(c) other activity;~~

~~(2) and which shall specifically describe a solar skyspace in three dimensional terms in which the activity, structures, or~~

vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collection of solar energy at a particular location.

(g) (Blank). "Conventional Energy System" shall mean an energy system utilizing fossil fuel, nuclear or hydroelectric energy and the components of such system, including transmission lines, burners, furnaces, tanks, boilers, related controls, distribution systems, room or area units and other components.

(h) (Blank). "Supplemental Conventional Energy System" shall mean a conventional energy system utilized for providing energy in conjunction with a solar energy system that provides not less than ten percent of the energy for the particular end use. "Supplemental Conventional Energy System" does not include any facilities of a public utility used to produce, transmit, distribute or store gas or electricity.

(i) (Blank). "Joint Solar Energy System" shall mean a solar energy system that supplies energy for structures or processes on more than one lot or in more than one condominium unit or leasehold, but not to the general public and involving at least two owners or users.

(j) (Blank). "Unit of Local Government" shall mean county, municipality, township, special districts, including school districts, and units designated as units of local government by law, which exercise limited governmental powers.

(k) "Department" means the Illinois Department of Commerce and Community Affairs or its successor agency.

(l) (Blank). "Public Energy Supplier" shall mean

(1) A public utility as defined in an Act concerning Public Utilities, approved June 29, 1921, as amended; or

(2) A public utility that is owned or operated by any political subdivision or municipal corporation of this State, or owned by such political subdivision or municipal corporation and operated by any of its lessees or operating agents; or

(3) An electric cooperative as defined in Section 10.19 of An Act concerning Public Utilities, approved June 29, 1921, as amended.

(m) (Blank). "Energy Use Sites" shall mean sites where energy is or may be used or consumed for generating electricity or for heating or cooling gases, solids, liquids, or other materials and where solar energy may be used cost effectively, as defined in the regulations of the Department, consistent with the purposes of this Act.

(Source: P.A. 89-445, eff. 2-7-96.)

(30 ILCS 725/2.1 rep.)
(30 ILCS 725/2.2 rep.)
(30 ILCS 725/2.3 rep.)
(30 ILCS 725/3.1 rep.)
(30 ILCS 725/4.1 rep.)
(30 ILCS 725/5.1 rep.)
(30 ILCS 725/7.1 rep.)
(30 ILCS 725/7.2 rep.)
(30 ILCS 725/7.3 rep.)
(30 ILCS 725/7.4 rep.)
(30 ILCS 725/8.1 rep.)
(30 ILCS 725/8.2 rep.)

Section 45. The Comprehensive Solar Energy Act of 1977 is amended by repealing Sections 2.1, 2.2, 2.3, 3.1, 4.1, 5.1, 7.1, 7.2, 7.3, 7.4, 8.1, and 8.2.

Section 50. The Eliminate the Digital Divide Law is amended by changing Sections 5-20 and 5-30 and by adding Section 5-50 as follows:

(30 ILCS 780/5-20)

Sec. 5-20. Digital Divide Elimination Fund. The Digital Divide Elimination Fund is created as a special fund in the State treasury. All moneys in the Fund shall be used, subject to appropriation by the General Assembly, by the Department for the Community Technology Grant Program ~~grants made under Section 5-30 of this Act~~. All interest earned on moneys in the Digital Divide Elimination Fund shall be deposited into the Fund.

(Source: P.A. 92-22, eff. 6-30-01.)

(30 ILCS 780/5-30)

Sec. 5-30. Community Technology Grant Program.

(a) Subject to appropriation, the Department shall administer the Community Technology Center Grant Program under which the Department shall make grants in accordance with this Article for planning, establishment, administration, and expansion of Community Technology Centers and for assisting public hospitals, libraries, and park districts in eliminating the digital divide. The purposes of the grants shall include, but not be limited to, volunteer recruitment and management, training and instruction, infrastructure, and related goods and services for Community Technology Centers and public hospitals, libraries, and park districts. The total amount of grants under this Section in fiscal year 2001 shall not exceed $2,000,000, except that this limit on grants shall not apply to grants funded by appropriations from the Digital Divide Elimination Fund. ~~No Community Technology Center may receive a grant of more than $50,000 under this Section in a particular fiscal year.~~

(b) Public hospitals, libraries, park districts, and State educational agencies, local educational agencies, institutions of higher education, and other public and private nonprofit or for-profit agencies and organizations are eligible to receive grants under this Program, provided that a local educational agency or public or private educational agency or organization must, in order to be eligible to receive grants under this Program, provide computer access and educational services using information technology to the public at one or more of its educational buildings or facilities at least 12 hours each week. A group of eligible entities is also eligible to receive a grant if the group follows the procedures for group applications in 34 CFR 75.127-129 of the Education Department General Administrative Regulations.

To be eligible to apply for a grant, a Community Technology Center, public hospital, library, or park district must serve a community in which not less than 40% of the students are eligible for a free or reduced price lunch under the national school lunch program or in which not less than 30% of the students are eligible for a free lunch under the national school lunch program; however, if funding is insufficient to approve all grant applications for a particular fiscal year, the Department may impose a higher minimum percentage threshold for that fiscal year. Determinations of communities and determinations of the percentage of students in a community who are eligible for a free or reduced price lunch under the national school lunch program shall be in accordance with rules adopted by the Department.

Any entities that have received a Community Technology Center grant under the federal Community Technology Centers Program are also eligible to apply for grants under this Program.

The Department shall provide assistance to Community Technology Centers in making those determinations for purposes of applying for grants.

(c) Grant applications shall be submitted to the Department not later than March 15 for the next fiscal year.

(d) The Department shall adopt rules setting forth the required form and contents of grant applications.

(e) There is created the Digital Divide Elimination Advisory Committee. The advisory committee shall consist of 5 members appointed one each by the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House, and the House Minority Leader. The members of the advisory committee shall receive no compensation for their services as members of the advisory committee but may be reimbursed for their actual expenses incurred in serving on the advisory committee. The Digital Divide Elimination Advisory Committee shall advise the Department in establishing criteria and priorities for identifying recipients of grants under this Act. The advisory committee shall obtain advice from the technology industry regarding current technological standards. The advisory committee shall seek any available federal funding.

(Source: P.A. 91-704, eff. 7-1-00; 92-22, eff. 6-30-01.)

(30 ILCS 780/5-50 new)

Sec. 5-50. Collection of voluntary contributions. On behalf of the Department of Commerce and Community Affairs, the Department of Revenue is authorized to receive contributions collected under Section 13-301.2 of the Public Utilities Act (220 ILCS 5/13-301.2) for deposit into the Digital Divide Elimination Fund.

(110 ILCS 205/9.25 rep.)

Section 55. The Board of Higher Education Act is amended by repealing Section 9.25.

(315 ILCS 5/4 rep.)

Section 60. The Blighted Areas Redevelopment Act of 1947 is amended by repealing Section 4.

(315 ILCS 15/Act rep.)

Section 65. The Illinois Community Development Finance Corporation Act is repealed.

Section 70. The Environmental Protection Act is amended by changing Section 22.23 as follows:

(415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

Sec. 22.23. Batteries.

(a) Beginning September 1, 1990, any person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in this State shall:

(1) accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased; and

(2) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put motor vehicle batteries in the trash."; "Recycle your used batteries."; and "State law requires us to accept motor vehicle batteries for recycling, in exchange for new batteries purchased.".

(b) Any person selling lead-acid batteries at retail in this State may either charge a recycling fee on each new lead-acid battery sold for which the customer does not return a used battery to the retailer, or provide a recycling credit to each customer who returns a used battery for recycling at the time of purchasing a new one.

(c) Beginning September 1, 1990, no lead-acid battery retailer may dispose of a used lead-acid battery except by delivering it (1) to a battery wholesaler or its agent, (2) to a battery manufacturer, (3) to a collection or recycling facility, or (4) to a secondary lead smelter permitted by either a state or federal environmental agency.

(d) Any person selling lead-acid batteries at wholesale or offering lead-acid batteries for sale at wholesale shall accept for recycling used lead-acid batteries from customers, at the point of

transfer, in a quantity equal to the number of new batteries purchased. Such used batteries shall be disposed of as provided in subsection (c).

(e) A person who accepts used lead-acid batteries for recycling pursuant to subsection (a) or (d) shall not allow such batteries to accumulate for periods of more than 90 days.

(f) Beginning September 1, 1990, no person may knowingly cause or allow:

(1) the placing of a lead-acid battery into any container intended for collection and disposal at a municipal waste sanitary landfill; or

(2) the disposal of any lead-acid battery in any municipal waste sanitary landfill or incinerator.

(g) (Blank). ~~The Department of Commerce and Community Affairs shall identify and assist in developing alternative processing and recycling options for used batteries.~~

(h) For the purpose of this Section:

"Lead-acid battery" means a battery containing lead and sulfuric acid that has a nominal voltage of at least 6 volts and is intended for use in motor vehicles.

"Motor vehicle" includes automobiles, vans, trucks, tractors, motorcycles and motorboats.

(i) (Blank). ~~The Department shall study the problems associated with household batteries that are processed or disposed of as part of mixed solid waste, and shall develop and implement a pilot project to collect and recycle used household batteries. The Department shall report its findings to the Governor and the General Assembly, together with any recommendations for legislation, by November 1, 1991.~~

(j) Knowing violation of this Section shall be a petty offense punishable by a fine of $100.

(Source: P.A. 89-445, eff. 2-7-96.)

(415 ILCS 20/7.1 rep.)

Section 75. The Illinois Solid Waste Management Act is amended by repealing Section 7.1.

(815 ILCS 355/Act rep.)

Section 80. The Hot Water Heater Efficiency Act is repealed.

(815 ILCS 440/5 rep.)

(815 ILCS 440/6 rep.)

(815 ILCS 440/8 rep.)

Section 85. The Waste Oil Recovery Act is amended by repealing Sections 5, 6, and 8.

Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 2192**, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2269

A bill for AN ACT in relation to criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2269

Passed the House, as amended, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2269

AMENDMENT NO. 1. Amend Senate Bill 2269 by replacing the title with the following:

"AN ACT concerning civil no contact orders."; and

by replacing everything after the enacting clause with the following:

"ARTICLE I
GENERAL PROVISIONS

Section 101. Short title. This Act may be cited as the Civil No Contact Order Act.

Section 102. Purpose. Sexual assault is the most heinous crime against another person short of murder. Sexual assault inflicts humiliation, degradation, and terror on victims. According to the FBI, a woman is raped every 6 minutes in the United States. Rape is recognized as the most underreported crime; estimates suggest that only one in seven rapes is reported to authorities. Victims who do not report the crime still desire safety and protection from future interactions with the offender. Many cases in which the rape is reported are never prosecuted. In these situations, the victim should be able to seek a simple civil remedy requiring only that the offender stay away from the victim.

Section 103. Definitions. As used in this Act:

"Abuse" means physical abuse, harassment, intimidation of a dependent, or interference with personal liberty.

"Civil no contact order" means an emergency order or plenary order granted under this Act, which includes a remedy authorized by Section 213 of this Act.

"Non-consensual" means a lack of freely given agreement.

"Petitioner" means any named petitioner for the no contact order or any named victim of non-consensual sexual conduct or non-consensual sexual penetration on whose behalf the petition is brought.

"Sexual conduct" means any intentional or knowing touching or fondling by the petitioner or the respondent, either directly or through clothing, of the sex organs, anus, or breast of the petitioner or the respondent, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the respondent upon any part of the clothed or unclothed body of the petitioner, for the purpose of sexual gratification or arousal of the petitioner or the respondent.

"Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

ARTICLE II
CIVIL NO CONTACT ORDERS

Section 201. Persons protected by this Act. A petition for a civil no contact order may be filed:

(1) by any person who is a victim of non-consensual sexual conduct or non-consensual sexual penetration, including a single incident of non-consensual sexual conduct or non-consensual sexual penetration; or

(2) by a person on behalf of a minor child or an adult who

is a victim of non-consensual sexual conduct or non-consensual sexual penetration but, because of age, disability, health, or inaccessibility, cannot file the petition.

Section 202. Commencement of action; filing fees.

(a) An action for a civil no contact order is commenced by filing a petition for a civil no contact order in any civil court, unless specific courts are designated by local rule or order.

(b) No fee shall be charged by the clerk of the court for filing petitions or certifying orders. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.

(c) The court shall provide, through the office of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel.

Section 203. Pleading; non-disclosure of address.

(a) A petition for a civil no contact order shall be in writing and verified or accompanied by affidavit and shall allege that the petitioner has been the victim of non-consensual sexual conduct or non-consensual sexual penetration by the respondent.

(b) If the petition states that disclosure of the petitioner's address would risk abuse of the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions.

Section 204. Application of rules of civil procedure; rape crisis advocates.

(a) Any proceeding to obtain, modify, reopen or appeal a civil no contact order shall be governed by the rules of civil procedure of this State. The standard of proof in such a proceeding is proof by a preponderance of the evidence. The Code of Civil Procedure and Supreme Court and local court rules applicable to civil proceedings shall apply, except as otherwise provided by this Act.

(b) In circuit courts, rape crisis advocates shall be allowed to accompany the victim and confer with the victim, unless otherwise directed by the court. Court administrators shall allow rape crisis advocates to assist victims of non-consensual sexual conduct or non-consensual sexual penetration in the preparation of petitions for civil no contact orders. Rape crisis advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this subsection (b).

Section 205. Subject matter jurisdiction. Each of the circuit courts has the power to issue civil no contact orders.

Section 206. Jurisdiction over persons. The courts of this State have jurisdiction to bind (1) State residents and (2) non-residents having minimum contacts with this State, to the extent permitted by the long-arm statute, Section 2-209 of the Code of Civil Procedure.

Section 207. Venue. A petition for a civil no contact order may be filed in any county where (1) the petitioner resides, (2) the respondent resides, or (3) the alleged non-consensual sexual conduct or non-consensual sexual penetration occurred.

Section 208. Process.

(a) Any action for a civil no contact order requires that a separate summons be issued and served. The summons shall be in the form prescribed by Supreme Court Rule 101(d), except that it shall require the respondent to answer or appear within 7 days. Attachments to the summons or notice shall include the petition for civil no contact order and supporting affidavits, if any, and any emergency

civil no contact order that has been issued.

(b) The summons shall be served by the sheriff or other law enforcement officer at the earliest time and shall take precedence over other summonses except those of a similar emergency nature. Special process servers may be appointed at any time, and their designation shall not affect the responsibilities and authority of the sheriff or other official process servers.

(c) Service of process on a member of the respondent's household or by publication shall be adequate if: (1) the petitioner has made all reasonable efforts to accomplish actual service of process personally upon the respondent, but the respondent cannot be found to effect such service; and (2) the petitioner files an affidavit or presents sworn testimony as to those efforts.

(d) A plenary civil no contact order may be entered by default for the remedy sought in the petition, if the respondent has been served or given notice in accordance with subsection (a) and if the respondent then fails to appear as directed or fails to appear on any subsequent appearance or hearing date agreed to by the parties or set by the court.

Section 209. Service of notice of hearings. Except as provided in Section 208, notice of hearings on petitions or motions shall be served in accordance with Supreme Court Rules 11 and 12, unless notice is excused by Section 214 of this Act or by the Code of Civil Procedure, Supreme Court Rules, or local rules.

Section 210. Hearings. A petition for a civil no contact order shall be treated as an expedited proceeding, and no court may transfer or otherwise decline to decide all or part of such petition. Nothing in this Section shall prevent the court from reserving issues if jurisdiction or notice requirements are not met.

Section 211. Continuances.

(a) Petitions for emergency remedies shall be granted or denied in accordance with the standards of Section 214, regardless of the respondent's appearance or presence in court.

(b) Any action for a civil no contact order is an expedited proceeding. Continuances shall be granted only for good cause shown and kept to the minimum reasonable duration, taking into account the reasons for the continuance.

Section 212. Hearsay exception.

(a) In proceedings for a no contact order and prosecutions for violating a no-contact order, the prior sexual activity or the reputation of the petitioner is inadmissible except:

(1) as evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct with respect to which the offense is alleged; or

(2) when constitutionally required to be admitted.

(b) No evidence admissible under this Section may be introduced unless ruled admissible by the trial judge after an offer of proof has been made at a hearing held in camera to determine whether the respondent has evidence to impeach the witness in the event that prior sexual activity with the respondent is denied. The offer of proof shall include reasonably specific information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. Unless the court finds that reasonably specific information as to date, time, or place, or some combination thereof, has been offered as to prior sexual activity with the respondent, counsel for the respondent shall be ordered to refrain from inquiring into prior sexual activity between the petitioner and the respondent. The court may not admit evidence under this Section unless it

determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at trial to the extent an order made by the court specifies the evidence that may be admitted and areas with respect to which the petitioner may be examined or cross examined.

Section 213. Civil no contact order; remedy.

(a) If the court finds that the petitioner has been a victim of non-consensual sexual conduct or non-consensual sexual penetration, a civil no contact order shall issue; provided that the petitioner must also satisfy the requirements of Section 214 on emergency orders or Section 215 on plenary orders. The petitioner shall not be denied a civil no contact order because the petitioner or the respondent is a minor. The court, when determining whether or not to issue a civil no contact order, may not require physical injury on the person of the victim. Modification and extension of prior civil no contact orders shall be in accordance with this Act.

(b) A civil no contact order shall order the respondent to stay away from the petitioner or any other person protected by the civil no contact order, or prohibit the respondent from entering or remaining present at the petitioner's school, place of employment, or other specified places at times when the petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if the respondent has no right to enter the premises.

(c) Denial of a remedy may not be based, in whole or in part, on evidence that:

(1) the respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article VII of the Criminal Code of 1961;

(2) the respondent was voluntarily intoxicated;

(3) the petitioner acted in self-defense or defense of another, provided that, if the petitioner utilized force, such force was justifiable under Article VII of the Criminal Code of 1961;

(4) the petitioner did not act in self-defense or defense of another;

(5) the petitioner left the residence or household to avoid further non-consensual sexual conduct or non-consensual sexual penetration by the respondent; or

(6) the petitioner did not leave the residence or household to avoid further non-consensual sexual conduct or non-consensual sexual penetration by the respondent.

(d) Monetary damages are not recoverable as a remedy.

Section 214. Emergency civil no contact order.

(a) An emergency civil no contact order shall issue if the petitioner satisfies the requirements of this subsection (a). The petitioner shall establish that:

(1) the court has jurisdiction under Section 208;

(2) the requirements of Section 213 are satisfied; and

(3) there is good cause to grant the remedy, regardless of prior service of process or of notice upon the respondent, because the harm which that remedy is intended to prevent would be likely to occur if the respondent were given any prior notice, or greater notice than was actually given, of the petitioner's efforts to obtain judicial relief.

(b) If the respondent appears in court for this hearing for an emergency order, he or she may elect to file a general appearance and testify. Any resulting order may be an emergency order, governed by this Section. Notwithstanding the requirements of this Section, if

all requirements of Section 215 have been met, the court may issue a plenary order.

(c) Emergency orders; court holidays and evenings.

(1) When the court is unavailable at the close of business, the petitioner may file a petition for a 21-day emergency order before any available circuit judge or associate judge who may grant relief under this Act. If the judge finds that there is an immediate and present danger of abuse against the petitioner and that the petitioner has satisfied the prerequisites set forth in subsection (a), that judge may issue an emergency civil no contact order.

(2) The chief judge of the circuit court may designate for each county in the circuit at least one judge to be reasonably available to issue orally, by telephone, by facsimile, or otherwise, an emergency civil no contact order at all times, whether or not the court is in session.

(3) Any order issued under this Section and any documentation in support of the order shall be certified on the next court day to the appropriate court. The clerk of that court shall immediately assign a case number, file the petition, order, and other documents with the court, and enter the order of record and file it with the sheriff for service, in accordance with Section 222. Filing the petition shall commence proceedings for further relief under Section 202. Failure to comply with the requirements of this paragraph (3) does not affect the validity of the order.

Section 215. Plenary civil no contact order. A plenary civil no contact order shall issue if the petitioner has served notice of the hearing for that order on the respondent, in accordance with Section 209, and satisfies the requirements of this Section. The petitioner must establish that:

(1) the court has jurisdiction under Section 206;

(2) the requirements of Section 213 are satisfied;

(3) a general appearance was made or filed by or for the respondent or process was served on the respondent in the manner required by Section 208; and

(4) the respondent has answered or is in default.

Section 216. Duration and extension of orders.

(a) Unless re-opened or extended or voided by entry of an order of greater duration, an emergency order shall be effective for not less than 14 nor more than 21 days.

(b) Except as otherwise provided in this Section, a plenary civil no contact order shall be effective for a fixed period of time, not to exceed 2 years. A plenary civil no contact order entered in conjunction with another civil proceeding shall remain in effect as follows:

(1) if entered as preliminary relief in that other proceeding, until entry of final judgment in that other proceeding;

(2) if incorporated into the final judgment in that other proceeding, until the civil no contact order is vacated or modified; or

(3) if incorporated in an order for involuntary commitment, until termination of both the involuntary commitment and any voluntary commitment, or for a fixed period of time not exceeding 2 years.

(b) Any emergency or plenary order may be extended one or more times, as required, provided that the requirements of Section 214 or 215, as appropriate, are satisfied. If the motion for extension is uncontested and the petitioner seeks no modification of the order,

the order may be extended on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension. Extensions may be granted only in open court and not under the provisions of subsection (c) of Section 214, which applies only when the court is unavailable at the close of business or on a court holiday.

(c) Any civil no contact order which would expire on a court holiday shall instead expire at the close of the next court business day.

(d) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a civil no contact order undermines the purposes of this Act. This Section shall not be construed as encouraging that practice.

Section 217. Contents of orders.

(a) Any civil no contact order shall describe each remedy granted by the court, in reasonable detail and not by reference to any other document, so that the respondent may clearly understand what he or she must do or refrain from doing.

(b) A civil no contact order shall further state the following:

(1) The name of each petitioner that the court finds was the victim of non-consensual sexual conduct or non-consensual sexual penetration by the respondent and the name of each other person protected by the order and that the person is protected by this Act.

(2) The date and time the civil no contact order was issued, whether it is an emergency or plenary order, and the duration of the order.

(3) The date, time, and place for any scheduled hearing for extension of that civil no contact order or for another order of greater duration or scope.

(4) For each remedy in an emergency civil no contact order, the reason for entering that remedy without prior notice to the respondent or greater notice than was actually given.

(c) A civil no contact order shall include the following notice, printed in conspicuous type: "Any knowing violation of a civil no contact order is a Class A misdemeanor. Any second or subsequent violation is a Class 4 felony."

Section 218. Notice of orders.

(a) Upon issuance of any civil no contact order, the clerk shall immediately, or on the next court day if an emergency order is issued in accordance with subsection (c) of Section 214:

(1) enter the order on the record and file it in accordance with the circuit court procedures; and

(2) provide a file stamped copy of the order to the respondent, if present, and to the petitioner.

(b) The clerk of the issuing judge shall, or the petitioner may, on the same day that a civil no contact order is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon the respondent. If the order was issued in accordance with subsection (c) of Section 214, the clerk shall, on the next court day, file a certified copy of the order with the Sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Unless the respondent was present in court when the order was issued, the sheriff, other law enforcement official, or special process server shall promptly serve that order upon the respondent and file proof of such service in the manner provided for service of process in civil proceedings. If process has not yet been served upon

the respondent, it shall be served with the order or short form notification. A single fee may be charged for service of an order obtained in civil court, or for service of such an order together with process, unless waived or deferred under Section 208.

(d) If the person against whom the civil no contact order is issued is arrested and the written order is issued in accordance with subsection (c) of Section 214 and received by the custodial law enforcement agency before the respondent or arrestee is released from custody, the custodial law enforcement agent shall promptly serve the order upon the respondent or arrestee before the respondent or arrestee is released from custody. In no event shall detention of the respondent or arrestee be extended for hearing on the petition for civil no contact order or receipt of the order issued under Section 214 of this Act.

(e) Any order extending, modifying, or revoking any civil no contact order shall be promptly recorded, issued, and served as provided in this Section.

(f) Upon the request of the petitioner, within 24 hours of the issuance of a civil no contact order, the clerk of the issuing judge shall send written notice of the order along with a certified copy of the order to any school, college, or university at which the petitioner is enrolled.

Section 219. Violation. A knowing violation of a civil no contact order is a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

ARTICLE III

LAW ENFORCEMENT RESPONSIBILITIES

Section 301. Arrest without warrant.

(a) Any law enforcement officer may make an arrest without warrant if the officer has probable cause to believe that the person has committed or is committing a violation of a civil no contact order.

(b) The law enforcement officer may verify the existence of a civil no contact order by telephone or radio communication with his or her law enforcement agency or by referring to the copy of the order provided by the petitioner or the respondent.

Section 302. Data maintenance by law enforcement agencies.

(a) All sheriffs shall furnish to the Department of State Police, on the same day as received, in the form and detail the Department requires, copies of any recorded emergency or plenary civil no contact orders issued by the court and transmitted to the sheriff by the clerk of the court in accordance with subsection (b) of Section 218 of this Act. Each civil no contact order shall be entered in the Law Enforcement Agencies Data System on the same day it is issued by the court. If an emergency civil no contact order was issued in accordance with subsection (c) of Section 214, the order shall be entered in the Law Enforcement Agencies Data System as soon as possible after receipt from the clerk of the court.

(b) The Department of State Police shall maintain a complete and systematic record and index of all valid and recorded civil no contact orders issued under this Act. The data shall be used to inform all dispatchers and law enforcement officers at the scene of an alleged incident of non-consensual sexual conduct or non-consensual sexual penetration or violation of a civil no contact order of any recorded prior incident of non-consensual sexual conduct or non-consensual sexual penetration involving the victim and the effective dates and terms of any recorded civil no contact order.".

Under the rules, the foregoing **Senate Bill No. 2269**, with House Amendment No. 1, was referred to the Secretary's Desk.

[May 30, 2002]

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 1006
A bill for AN ACT in relation to timber.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 1006.

Non-concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 1006**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3999
A bill for AN ACT concerning the regulation of professions.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 3999.

Non-concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 3999**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5652
A bill for AN ACT in relation to criminal law.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 5652.

Non-concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 5652**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5996
A bill for AN ACT concerning employment.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 5996.

Non-concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 5996**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has refused to concur with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 6012
A bill for AN ACT concerning taxation.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 6012.

Non-concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

Under the rules, the foregoing **House Bill No. 6012**, with Senate Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 1814
A bill for AN ACT concerning local government.
SENATE BILL NO 2185
A bill for AN ACT concerning vehicles.
SENATE BILL NO 2188
A bill for AN ACT concerning the Office of Banks and Real Estate.
SENATE BILL NO 2197
A bill for AN ACT in relation to sexually dangerous persons.
SENATE BILL NO 2205
A bill for AN ACT in relation to conservation.
SENATE BILL NO 2215
A bill for AN ACT to re-enact the Bi-State Transit Safety Act.
SENATE BILL NO 2225
A bill for AN ACT in relation to public aid.
SENATE BILL NO 2226
A bill for AN ACT in relation to public health.
SENATE BILL NO 2245
A bill for AN ACT concerning insurance.
SENATE BILL NO 2271
A bill for AN ACT in relation to criminal law.
SENATE BILL NO 2323
A bill for AN ACT in relation to State finance.

Passed the House, May 29, 2002.

[May 30, 2002]

ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 1436
A bill for AN ACT in relation to education.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 1436.
Senate Amendment No. 2 to HOUSE BILL NO. 1436.
Senate Amendment No. 3 to HOUSE BILL NO. 1436.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 1889
A bill for AN ACT concerning insurance coverage.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 1889.
Senate Amendment No. 2 to HOUSE BILL NO. 1889.
Senate Amendment No. 4 to HOUSE BILL NO. 1889.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2058
A bill for AN ACT to amend the Criminal Code of 1961 by changing Section 24-3.1.

Which amendment is as follows:
Senate Amendment No. 2 to HOUSE BILL NO. 2058.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 2271
A bill for AN ACT concerning the regulation of professions.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 2271.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3212
A bill for AN ACT concerning technology.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 3212.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 3713
A bill for AN ACT in relation to vehicles.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 3713.
Senate Amendment No. 2 to HOUSE BILL NO. 3713.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3774
A bill for AN ACT in relation to education.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 3774.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the

adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4004
A bill for AN ACT concerning the regulation of professions.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4004.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4081
A bill for AN ACT in relation to criminal law.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4081.
Senate Amendment No. 2 to HOUSE BILL NO. 4081.
Senate Amendment No. 3 to HOUSE BILL NO. 4081.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4117
A bill for AN ACT concerning schools.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4117.
Senate Amendment No. 3 to HOUSE BILL NO. 4117.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4118
A bill for AN ACT in relation to public health.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4118.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4179
A bill for AN ACT in relation to criminal law.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4179.
Senate Amendment No. 2 to HOUSE BILL NO. 4179.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4220
A bill for AN ACT concerning insurance.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4220.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4948
A bill for AN ACT in relation to vehicles.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4948.
Senate Amendment No. 2 to HOUSE BILL NO. 4948.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5577
A bill for AN ACT concerning municipalities.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 5577.

Concurred in by the House, May 29, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 1721
A bill for AN ACT concerning liens.
SENATE BILL NO 2030
A bill for AN ACT in relation to criminal law.

Passed the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 2149
A bill for AN ACT in relation to forest preserve districts.
SENATE BILL NO 2227
A bill for AN ACT concerning economic development.

Passed the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendment No. 1 to a bill of the following title, to-wit:

HOUSE BILL NO. 2
A bill for AN ACT in relation to alternate fuels.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Novak, Currie, Granberg; Tenhouse and Hassert.

Action taken by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendments numbered 1, 2, 3 and 4 to a bill of the following title, to-wit:

HOUSE BILL NO. 1975
A bill for AN ACT concerning taxes.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Novak, Currie, Joseph Lyons; Tenhouse and Moffitt.

Action taken by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendment No. 1 to a bill of the following title, to-wit:

HOUSE BILL NO. 4975
A bill for AN ACT regarding vehicles.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives Hoffman, Currie, Hannig; Tenhouse and Parke.

Action taken by the House, MAy 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for a First Committee of Conference to consider the differences between the two Houses in regard to Senate Amendment No. 1 to a bill of the following title, to-wit:

HOUSE BILL NO. 5874
A bill for AN ACT in relation to criminal law.

I am further directed to inform the Senate that the Speaker of the House has appointed as such committee on the part of the House: Representatives O'Brien, Currie, Brosnahan; Tenhouse and Kosel.

Action taken by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 136
A bill for AN ACT in relation to hate crimes.

Which amendment is as follows:
Senate Amendment No. 2 to HOUSE BILL NO. 136.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4321
A bill for AN ACT in relation to criminal law.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4321.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4354
A bill for AN ACT concerning civil immunities.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4354.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4409
A bill for AN ACT concerning banking.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4409.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4667
A bill for AN ACT in relation to utilities.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4667.
Senate Amendment No. 2 to HOUSE BILL NO. 4667.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4720
A bill for AN ACT in relation to business transactions.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4720.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4912
A bill for AN ACT concerning higher education student assistance.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4912.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4933
A bill for AN ACT concerning vehicles.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4933.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4953
A bill for AN ACT concerning motor vehicles.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4953.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5000
A bill for AN ACT in relation to alcoholic liquor.

Which amendment is as follows:
Senate Amendment No. 3 to HOUSE BILL NO. 5000.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5794
A bill for AN ACT in relation to criminal law.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 5794.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

LEGISLATIVE MEASURES FILED

The following Conference Committee Reports have been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to Senate Bill 39
First Conference Committee Report to House Bill 5874

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 3 to House Bill 3717
Senate Amendment No. 2 to House Bill 4090
Senate Amendment No. 1 to House Bill 4680
Senate Amendment No. 2 to House Bill 5150

The following floor amendment to the Senate Resolution listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to Senate Resolution No. 410

INTRODUCTION OF A BILL

SENATE BILL NO. 2421. Introduced by Senator Lauzen, a bill for AN ACT concerning State employees.
The bill was taken up, read by title a first time, ordered

printed and referred to the Committee on Rules.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 314
Motion to Concur in H.A.'s 1 & 2 to Senate Bill 1697
Motion to Concur in House Amendment 1 to Senate Bill 1934
Motion to Concur in House Amendment 2 to Senate Bill 1949
Motion to Concur in H.A.'s 1 & 2 to Senate Bill 1983

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Sieben, **Senate Bill No. 1880**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sieben moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland

Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1880**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Parker, **Senate Bill No. 1907**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Parker moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson

Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1907**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Burzynski, **Senate Bill No. 1930**, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Burzynski moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

[May 30, 2002]

And the Senate concurred with the House in the adoption of their Amendment No. 1 to **Senate Bill No. 1930**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Roskam, **Senate Bill No. 1936**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Roskam moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 41; Nays 17.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Jacobs
Jones, W.
Karpiel
Klemm
Lauzen
Luechtefeld
Mahar
Myers
Noland
O'Daniel
O'Malley
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Shaw
Sieben
Stone
Sullivan
Syverson
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Cullerton
DeLeo
del Valle
Hendon
Jones, E.
Lightford
Link
Madigan
Molaro
Munoz
Obama
Parker
Ronen
Silverstein
Smith
Trotter
Viverito

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 1936**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Burzynski, **Senate Bill No. 2155**, with House Amendments numbered 1 and 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator Burzynski moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 46; Nays 11.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Luechtefeld
Mahar
Myers
Noland
Obama
O'Daniel
O'Malley

Parker
Peterson
Petka
Radogno
Rauschenberger
Roskam
Shadid
Shaw
Sieben
Smith
Stone
Sullivan
Syverson
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted in the negative:

Cullerton
DeLeo
del Valle
Hendon
Lightford
Link
Molaro
Munoz
Ronen
Silverstein
Trotter

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 4 to **Senate Bill No. 2155**.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:38 o'clock p.m., Senator Donahue presiding.

On motion of Senator Watson, **Senate Bill No. 1982**, with House Amendments numbered 1 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Watson moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 57; Nays None; Present 1.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin

Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The following voted present:

Klemm

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 3 to Senate Bill No. 1982.

[May 30, 2002]

Ordered that the Secretary inform the House of Representatives thereof.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 30, 2002 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committee of the Senate:

Executive: **Senate Amendment No. 2 to House Bill 4090; Senate Amendment No. 1 to House Bill 4680; Senate Amendment No. 2 to House Bill 5150. Senate Amendment No. 2 to Senate Resolution No. 410.**
Judiciary: **First Conference Committee Report to Senate Bill 39; First Conference Committee Report to House Bill 5874.**

Senator Weaver, Chairperson of the Committee on Rules, during its May 30, 2002 meeting, reported the following Joint Action Motions have been assigned to the indicated Standing Committees of the Senate:

Judiciary: **Motions to Concur with House Amendments 1 and 2 to Senate Bill 1697; House Amendment No. 1 to Senate Bill 1917; House Amendment No. 1 to Senate Bill 1934; House Amendment No. 2 to Senate Bill 1949**
Transportation: **Motions to Concur with House Amendment 3 to Senate Bill 1588; House Amendments numbered 1 and 2 to Senate Bill 1657; House Amendment No. 1 to Senate Bill 2164.**

COMMITTEE MEETING ANNOUNCEMENTS

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400, Capitol Building, at 4:00 o'clock p.m.

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, at 5:00 o'clock p.m.

Senator Parker, Chairperson of the Committee on Transportation announced that the Transportation Committee will meet today in Room 400, Capitol Building, at 4:30 o'clock p.m.

Senator Karpiel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 2:45 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 7:30 o'clock p.m., the Senate resumed consideration of business.
Senator Weaver, presiding.

REPORTS FROM STANDING COMMITTEES

Senator Klemm, Chairperson of the Committee on Executive to which was referred the following Senate floor amendments, reported that the Committee recommends that they be adopted:

Amendment No. 2 to House Bill 4090
Amendment No. 1 to House Bill 4680
Amendment No. 2 to House Bill 5150
Amendment No. 1 to House Bill 5168
Amendment No. 2 to Senate Resolution 410

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary, to which was referred the Motions to concur with House amendments to the following Senate Bills, reported that the Committee recommends that they be approved for consideration:

Motion to concur H.A.'s 1 & 2 to Senate Bill 1697
Motion to concur House Amendment 1 to Senate Bill 1917
Motion to concur House Amendment 1 to Senate Bill 1934
Motion to concur House Amendment 2 to Senate Bill 1949

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Hawkinson, Chairperson of the Committee on Judiciary, to which was referred the following Conference Committee Reports, reported that the Committee recommends that they be approved for consideration:

First Conference Committee Report to Senate Bill 39
First Conference Committee Report to House Bill 5874

Under the rules, the foregoing Conference Committee Reports were placed on the Senate Calendar.

Senator Parker, Chairperson of the Committee on Transportation, to which was referred the Motions to concur with House amendments to the following Senate Bills, reported that the Committee recommends that they be adopted:

Motion to concur House Amendment 3 to Senate Bill 1588
Motion to concur H.A.'s 1 & 2 to Senate Bill 1657
Motion to concur House Amendment 1 to Senate Bill 2164

Under the rules, the foregoing motions are eligible for consideration by the Senate.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2241
A bill for AN ACT concerning hospitals.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 3 to SENATE BILL NO. 2241

Passed the House, as amended, May 30, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 3 TO SENATE BILL 2241

AMENDMENT NO. 3. Amend Senate Bill 2241 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital District Law is amended by changing Sections 15 and 21.2 as follows:

(70 ILCS 910/15) (from Ch. 23, par. 1265)

Sec. 15. A Hospital District shall constitute a municipal corporation and body politic separate and apart from any other municipality, the State of Illinois or any other public or governmental agency and shall have and exercise the following governmental powers, and all other powers incidental, necessary, convenient, or desirable to carry out and effectuate such express powers.

1. To establish and maintain a hospital and hospital facilities within or outside its corporate limits, and to construct, acquire, develop, expand, extend and improve any such hospital or hospital facility. If a Hospital District utilizes its authority to levy a tax pursuant to Section 20 of this Act for the purpose of establishing and maintaining hospitals or hospital facilities, such District shall be prohibited from establishing and maintaining hospitals or hospital facilities located outside of its district unless so authorized by referendum. To approve the provision of any service and to approve any contract or other arrangement not prohibited by a hospital licensed under the Hospital Licensing Act, incorporated under the General Not-For-Profit Corporation Act, and exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code.

2. To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of any such hospital or hospital facility. Such acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession or by condemnation.

3. To operate, maintain and manage such hospital and hospital facility, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of such hospital or hospital facility.

Such contracts may include the lease by the District of all or any portion of its facilities to a not-for-profit corporation organized by the District's board of directors. The rent to be paid pursuant to any such lease shall be in an amount deemed appropriate by the board of directors. Any of the remaining assets which are not the subject of such a lease may be conveyed and transferred to the not-for-profit corporation organized by the District's board of directors provided that the not-for-profit corporation agrees to discharge or assume such debts, liabilities, and obligations of the District as determined to be appropriate by the District's board of directors.

4. To fix, charge and collect reasonable fees and compensation for the use or occupancy of such hospital or any part thereof, or any hospital facility, and for nursing care, medicine, attendance, or

other services furnished by such hospital or hospital facilities, according to the rules and regulations prescribed by the board from time to time.

5. To borrow money and to issue general obligation bonds, revenue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any conditions or limitations set forth in this Act or the Health Facilities Planning Act or otherwise provided by the constitution of the State of Illinois and to execute, deliver, and perform mortgages and security agreements to secure such borrowing.

6. To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the corporate objects of the District or the proper administration, management, protection or control of its property.

7. To maintain such hospital for the benefit of the inhabitants of the area comprising the District who are sick, injured, or maimed regardless of race, creed, religion, sex, national origin or color, and to adopt such reasonable rules and regulations as may be necessary to render the use of the hospital of the greatest benefit to the greatest number; to exclude from the use of the hospital all persons who wilfully disregard any of the rules and regulations so established; to extend the privileges and use of the hospital to persons residing outside the area of the District upon such terms and conditions as the board of directors prescribes by its rules and regulations.

8. To police its property and to exercise police powers in respect thereto or in respect to the enforcement of any rule or regulation provided by the ordinances of the District and to employ and commission police officers and other qualified persons to enforce the same.

The use of any such hospital or hospital facility of a District shall be subject to the reasonable regulation and control of the District and upon such reasonable terms and conditions as shall be established by its board of directors.

A regulatory ordinance of a District adopted under any provision of this Section may provide for a suspension or revocation of any rights or privileges within the control of the District for a violation of any such regulatory ordinance.

Nothing in this Section or in other provisions of this Act shall be construed to authorize the District or board to establish or enforce any regulation or rule in respect to hospitalization or in the operation or maintenance of such hospital or any hospital facilities within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

9. To provide for the benefit of its employees group life, health, accident, hospital and medical insurance, or any combination of such types of insurance, and to further provide for its employees by the establishment of a pension or retirement plan or system; to effectuate the establishment of any such insurance program or pension or retirement plan or system, a Hospital District may make, enter into or subscribe to agreements, contracts, policies or plans with private insurance companies. Such insurance may include provisions for employees who rely on treatment by spiritual means alone through prayer for healing in accord with the tenets and practice of a well-recognized religious denomination. The board of directors of a Hospital District may provide for payment by the District of a portion of the premium or charge for such insurance or for a pension

or retirement plan for employees with the employee paying the balance of such premium or charge. If the board of directors of a Hospital District undertakes a plan pursuant to which the Hospital District pays a portion of such premium or charge, the board shall provide for the withholding and deducting from the compensation of such employees as consent to joining such insurance program or pension or retirement plan or system, the balance of the premium or charge for such insurance or plan or system.

If the board of directors of a Hospital District does not provide for a program or plan pursuant to which such District pays a portion of the premium or charge for any group insurance program or pension or retirement plan or system, the board may provide for the withholding and deducting from the compensation of such employees as consent thereto the premium or charge for any group life, health, accident, hospital and medical insurance or for any pension or retirement plan or system.

A Hospital District deducting from the compensation of its employees for any group insurance program or pension or retirement plan or system, pursuant to this Section, may agree to receive and may receive reimbursement from the insurance company for the cost of withholding and transferring such amount to the company.

10. Except as provided in Section 15.3, to sell at public auction or by sealed bid and convey any real estate held by the District which the board of directors, by ordinance adopted by at least 2/3rds of the members of the board then holding office, has determined to be no longer necessary or useful to, or for the best interests of, the District.

An ordinance directing the sale of real estate shall include the legal description of the real estate, its present use, a statement that the property is no longer necessary or useful to, or for the best interests of, the District, the terms and conditions of the sale, whether the sale is to be at public auction or sealed bid, and the date, time, and place the property is to be sold at auction or sealed bids opened.

Before making a sale by virtue of the ordinance, the board of directors shall cause notice of the proposal to sell to be published once each week for 3 successive weeks in a newspaper published, or, if none is published, having a general circulation, in the district, the first publication to be not less than 30 days before the day provided in the notice for the public sale or opening of bids for the real estate.

The notice of the proposal to sell shall include the same information included in the ordinance directing the sale and shall advertise for bids therefor. A sale of property by public auction shall be held at the property to be sold at a time and date determined by the board of directors. The board of directors may accept the high bid or any other bid determined to be in the best interests of the district by a vote of 2/3rds of the board then holding office, but by a majority vote of those holding office, they may reject any and all bids.

The chairman and secretary of the board of directors shall execute all documents necessary for the conveyance of such real property sold pursuant to the foregoing authority.

11. To establish and administer a program of loans for postsecondary students pursuing degrees in accredited public health-related educational programs at public institutions of higher education. If a student is awarded a loan, the individual shall agree to accept employment within the hospital district upon graduation from the public institution of higher education. For the purposes of this Act, "public institutions of higher education" means

the University of Illinois; Southern Illinois University; Chicago State University; Eastern Illinois University; Governors State University; Illinois State University; Northeastern Illinois University; Northern Illinois University; Western Illinois University; the public community colleges of the State; and any other public colleges, universities or community colleges now or hereafter established or authorized by the General Assembly. The district's board of directors shall by resolution provide for eligibility requirements, award criteria, terms of financing, duration of employment accepted within the district and such other aspects of the loan program as its establishment and administration may necessitate.

12. To establish and maintain congregate housing units; to acquire land in fee simple and leasehold interests in land for the location, establishment, maintenance, and development of those housing units; to borrow funds and give debt instruments, real estate mortgages, and security interests in personal property, contract rights, and general intangibles; and to enter into any contract required for participation in any federal or State programs.

(Source: P.A. 92-534, eff. 5-14-02.)

(70 ILCS 910/21.2) (from Ch. 23, par. 1271.2)

Sec. 21.2. The corporate authorities of any Hospital District <u>may enter into installment purchase and lease agreements and issue debt certificates under subsection (b) of Section 17 of the Local Government Debt Reform Act and</u> may issue and sell revenue bonds, payable from the revenue derived from the operation of the hospital, for the purpose of (1) constructing, reconstructing, repairing, remodeling, extending, equipping, or improving a hospital building, buildings, or facilities and acquiring a site or sites for a hospital building, buildings, or facilities, <u>(1.5) financing operations and working cash,</u> or (2) refunding any such revenue bonds theretofore issued from time to time when considered necessary or advantageous in the public interest. These bonds shall be authorized by an ordinance without submission thereof to the electors of the Hospital District, shall mature at such time not to exceed 40 years from the date of issue, and bear such rate of interest not to exceed the greater of (i) the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, or (ii) 9% per annum, payable annually or semiannually, as the corporate authorities may determine, and may be sold by the corporate authorities in such manner as they deem best in the public interest. However, such bonds shall be sold at such price that the interest cost of the proceeds therefrom will not exceed the greater of (i) the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, or (ii) 9% per annum if issued on or after the effective date of this amendatory Act, based on the average maturity of such bonds and computed according to standard tables of bond values. No member of the Board or hospital administration shall have any personal economic interest in any bonds issued in accordance with this Section.

The corporate authorities of any such Hospital District availing itself of the provisions of this Section shall adopt an ordinance describing in a general way the building, buildings, or facilities, or additions or extensions thereto, to be constructed, reconstructed, repaired, remodeled, extended, equipped or improved, and the site or sites to be acquired. Such ordinance shall set out the estimated cost of such construction, reconstruction, repair, remodeling, extension, equipment, improvement or acquisition and fix the amount of revenue bonds proposed to be issued, the maturity, interest rate, and all details in respect thereof, including any provision for redemption prior to maturity, with or without premium, and upon such

notice as may be provided by the ordinance. Such ordinance may also contain such provisions and covenants which shall be part of the contract between the Hospital District and the holders of such bonds as may be considered necessary and advisable as to the operation, maintenance, and management of the hospital or hospitals, the establishment and maintenance of sinking funds, reserve funds, and other special funds, including construction funds, the fixing and collection of rents, fees and charges for the use of the facilities of the hospital or hospitals sufficient to produce revenue adequate to maintain such funds and to pay the bonds at maturity and accruing interest thereon, the issuance thereafter of additional bonds payable from the revenues derived from the hospital or hospitals, the kind and amount of insurance, including use and occupancy insurance, if any, to be carried, the cost of which shall be payable only from the revenues derived from the hospital or hospitals and such other covenants deemed necessary or desirable to assure the successful operation and maintenance of the hospital or hospitals and the prompt payment of the principal of and interest upon the bonds so authorized.

Revenue bonds issued under this Section shall be signed by the chairman and secretary of the Board or such other officers as the Board may by ordinance direct to sign such bonds, and shall be payable from revenue derived from the operation of the hospital or hospitals. These bonds may not in any event constitute an indebtedness of the Hospital District within the meaning of any constitutional provision or limitation. It shall be plainly written or printed on the face of each bond that the bond has been issued under the provisions of this Section, that the bond, including the interest thereon, is payable from the revenue pledged to the payment thereof, and that it does not constitute an indebtedness or obligation of the Hospital District within the meaning of any constitutional or statutory limitation or provision. No holder of any such revenue bond may compel any exercise of the taxing power of the Hospital District to pay such bond or interest thereon.

The District may not issue any bonds under this Section unless a public hearing, with adequate notice to the public, is held prior to the issuance of the bonds. Notice of the hearing giving the purpose, time and place of the hearing shall be published at least once, not more than 30 nor less than 15 days before the hearing, in one or more newspapers published in the district, and if there is none, in a newspaper published in the county and having general circulation in the district.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 89-104, eff. 7-7-95.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 2241**, with House

Amendment No. 3, was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4879
A bill for AN ACT concerning the regulation of professions.

Which amendments are as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 4879.
Senate Amendment No. 2 to HOUSE BILL NO. 4879.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5450
A bill for AN ACT in relation to elections.

Which amendment is as follows:
Senate Amendment No. 1 to HOUSE BILL NO. 5450.

Concurred in by the House, May 30, 2002.
ANTHONY D. ROSSI, Clerk of the House

LEGISLATIVE MEASURES FILED

The following Conference Committee Reports have been filed with the Secretary, and referred to the Committee on Rules:

First Conference Committee Report to House Bill 1975
First Conference Committee Report to House Bill 4975

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 4 to Senate Bill 698
Motion to Concur in House Amendment 2 to Senate Bill 2192

At the hour of 7:34 o'clock p.m., on motion of Senator Klemm, the Senate stood adjourned until Friday, May 31, 2002 at 10:00 o'clock a.m.